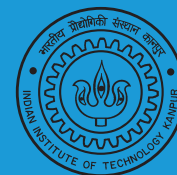




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Editorial

Amidst low coal stock position at coal-based power plants and growing demand for electricity, enhanced blending of imported coal was allowed. Being a pass-through cost component, the financial impact of higher proportion of imported coal blending would be reflected in the generation tariff and, ultimately on consumers' tariff either in the near term through fuel surcharge adjustment, or through true-up mechanism later on. Even in the wake of sufficient domestic coal output, barring seasonal variations, challenges across its supply chain need to be identified and addressed urgently to address price spikes. Regulatory intervention is required to ensure that sufficient domestic coal is ordered in time and, its stock is maintained at power plants. Significant deviations from the normative coal-stock level should lead to reduction in the approved/normative cost of interest on working capital. Such reallocation of risk away from consumers is required to minimise the need for imported coal and, thus, reduce burden on the consumers.

The Indian power market continues to be dominated by presence of long-term Power Purchase Agreements (PPAs) with a limited but promising role for the short-term competitive market, while most of the distribution utilities have now recognised the role of short-term portfolio optimisation and also secure supplies through the ST platforms particularly the Power Exchanges, or through bilateral/trader brokered transactions.

The EA 2003, deepened competitive participation in the market by enabling Open Access (OA) (Section 42) thus providing a 'choice' to the eligible consumers (1MW and above in most states) to procure power from alternate sources. While exercising such a choice, the open access consumers also place importance to the availability of economic and reliable power supply from such sources. This makes them particularly dependent on the distribution licensees. OA consumers thus continue to retain their maximum demand in part/ full with the discom and continue to pay the applicable demand charges. Otherwise, they may end up paying temporary tariff and other applicable charges in case these are not able to secure alternate supplies in desired quantum or face curtailment thereof.

Open Access, as enshrined in the EA 2003, needs to be implemented within the rules and regulations decided by the respective SERC. The importance of OA regulations can be highlighted by the fact that such regulations may often make it a less attractive option for the eligible consumers. A balanced approach outlined in the OA regulations should not result in overprotection of the distribution licensee while also ensuring that there is no misutilisation of the OA leading to an overall inefficient outcome for the society. The process of OA should be streamlined through online application mode (as far as possible) and be implemented with the OA registry. Since the discoms have an inherent incentive to refuse or delay the process of the grant of OA, the transparency of the OA process and the accountability of the discoms/SLDCs would assist affective implement of OA.

Anoop Singh

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WBERC (Open Access) Regulations, 2022 [Draft]

WBERC on 12th May, 2022 notified the Draft WBERC (Open Access) Regulations, 2022. The key highlights of the draft are mentioned below,

Extent of Application: These Regulations shall be applicable for consumers drawing power from any non-captive generator without the use of intra-state transmission lines, or distribution network, such arrangement, including scheduling, determination of cross-subsidy surcharge, additional surcharge, distribution access charge, etc. Such customers shall ensure proper metering to record the generator's energy supply.

Eligibility for Open access:-

- Consumers intending to avail Open-access must have existing connectivity with the concerned transmission or distribution licensee. Applicant may submit the application for Long-Term connectivity with the application seeking Long-Term Open-access.
- Any customer wanting to avail Open-access must have ABT interface meters in line with CEA (Installation and Operation of Meters) Regulations, 2006. Those customers who are connected with Open-access at 33 KV or above voltage must have a 24x7 control room with dedicated communication system and real-time on line data with SLDC.
- A person is not eligible for Open-access against whom notice of disconnection has been issued and those person who is undergoing judicial proceedings for power theft or unauthorised use of electricity.
- A person having any Transmission or Distribution Licensee dues shall not be allowed to avail Open-access and Open-access will be curtailed after a notice of 3 days by SLDC post intimation by the Licensee. Such consumer may avail Open-access within 24 hrs of clearing of all dues.
- In case disruption of supply of the Open-access consumes results in law & order problems or safety hazards, such consumer has to agree for arrangement of Backup Power as a condition of eligibility for getting Open-access.

In case a Distribution Licensee uses Intra-state transmission lines and/ or the distribution systems through an informal arrangement they must sign a formal agreement. In case of failure to sign such agreement within 1 month or such other time as allowed by the Commission, then the concerned Distribution Licensee/ Open-access Customer will have to apply afresh for Open-access.

The customer availing Open-access will have to indicate the potential hazards concerning public safety through a declaration to the SLDC. The consumer will be listed as Open-access customer from different sources for Emergency Power after considering by SLDC.

The licensee owning or operating intervening transmission facilities shall provide the use of facility up to surplus capacity. The rate, charges and terms and conditions for using the facilities will be decided mutually between the Open-access customer and the licensee concerned as per Section 36 of the Act.

The Transmission Licensee(s) or the Distribution licensee(s), shall provide the results of system study and preliminary investigation for system strengthening requested by the applicant within 60 days from the date of request by the applicant to carry out the study.

The applicant may reduce its requirement of transmission during congestion and inform the Nodal Agency by the 24th day of the month preceding the month from which short-term Open-access is to be availed.

SLDC shall give a prior no-objection certificate to the applicant for granting Open-access through power exchange for short-term through National Open-access Registry (NOAR).

Applicable Limitation in Short Term Open-access and Medium-Term Open-access:-

- Open-access shall not be replaced by any other person on account after Open-access has been granted. Also, these applicants has to agree to load shedding if such applicant's premises for Open-access supply is not connected to the grid through high voltage dedicated feeder from high voltage sub-station.
- Open-access customer including a licensee draws power through Short Term Open-access (STOA) on a repetitive basis from any sources other than power exchanges for a period more than 6 months in a year they shall be required to make payment of transmission charges payable by a LTOA customer on capacity basis compulsory.

Issues on Agreements under these Regulations:-

- Connectivity Agreement: Before applying for Long-Term Open-access, Medium-Term Open-access and Short Term Open-access, applicant must have a valid connectivity agreement in terms of State Grid Code.
- The generators and the Applicant are not required to execute any separate connectivity agreement with the licensees for supplying power to the applicant through Open-access from the generators within the park or to bring power within the premises of the park through Open-access.
- For STOA and MTOA, any consumer, who is not drawing power through its connectivity with the distribution licensee and has no connectivity agreement with the distribution licensee for Open-access purpose has applied under STOA and MTOA will be treated as having deemed connectivity with the grid for the purpose of continuing the processing of the application for Open access under these Regulations till the Connectivity Agreement is signed by the Distribution Licensee.
- For LTOA, the Applicant may either have a valid connectivity agreement or apply for connectivity along with the LTOA application.

Power purchase and sale agreement:-

- Applicant must have a valid PPA with the generating companies
- For Captive Generating Plant (Open-access source), applicant is the user of 100% power generated, no such PPA is required. If applicant is one of the Open access users, such PPA is required between the applicant and the Captive Generating Plant.
- For Short-Term agreement, the order or Letter of Intent (LOI) for power procurement shall be considered as Power purchase or sale agreement.

Open access Agreement:-

- LTOA shall stand extended on a written request made by the customer to the nodal agency at least 6 months prior to the date of expiry while the medium-term customer shall not be entitled to any overriding preference for renewal of the term on expiry of the period.
- Additional Transmission Asset Creation Agreement (ATACA) and/or Additional Wheeling Asset Creation Agreement (AWACA) with the concerned transmission and/or distribution licensee for development of network and infrastructure in transmission and/or distribution system is required for LTOA Agreement.
- Backup power arrangements should be provided by the distribution licensee for a maximum period of 42 days in a year on payment of fixed charges of 42 days and energy charges for that category of consumer in the prevailing rate schedule, in cases of outages of generator supplying to Open-access customer under Open-access.

Non-Utilisation / Under-Utilisation of Open-access Capacity:-

In case the Open-access customer is frequently underutilising the capacity allotted to him, the SLDC may reduce/cancel the allotted capacity if the customer is not able to give sufficient reasons within 15 days from the date of intimation. After which the Open-access customer shall have to apply as a new applicant.

Relinquishment of access rights:-

Customer Category	Access Rights Duration	Notice (submits an application to the nodal agency)	Charges
Long-term	at least 12 years	Before 1 year	No charges
		< 1 year	Such customer shall pay an amount equal to 66% of the estimated transmission and/or wheeling charges on net present value
	Less than 12 years	Before 1 year	
		< 1 year	Addition to 66% of the estimated transmission and/or wheeling charges (net present value) for the stranded transmission capacity
Medium-Term		Before 30 days	Shall pay applicable transmission and/or wheeling charges for the period of relinquishment or 30 days whichever is lesser

Charges for Open Access:-

	LTOA and MTOA	Tariff Order in terms of Rs./MW/month
Transmission Charges	STOA	STOA_Rate = $AFC \times 104 / [SCL \times 365 \times 24]$ paisa/kWhr STOA_Rate (Rs.) = $Hrs_OA \times OAC_MW \times 1000 \times STOA_Rate$
Wheeling Charges	STOA	$Hrs_OA \times OAC_MW \times 1000 \times \text{Rate of Wheeling Charge}$
Cross-Subsidy Surcharge		$S = T - ACS + R$
Additional Surcharge	Part A	$[(A+B-C) + D] - E - F$ (Paisa/kWhr)
	Part B	Surcharge is to be incorporated in the Open-access Agreement along with the method of recovery by the distribution licensee.
Deviation Settlement charges in drawal / injecting energy		Deviation Settlement (DS) Charge as specified in the Balancing and Settlement Code of the Commission.

Where,

STOA_Rate	Transmission charge rate for STOA	R	Deviation Settlement (DS) Charge as specified in the Balancing and Settlement Code of the Commission.
SCL	Sum of the allotted transmission capacities in MW to all the Long-Term Customers of the transmission system concerned	R	Fixed Cost of Power Purchase
OAC_MW	Open-access Capacity Approved in MW	B	Transmission and Wheeling Costs of Power Purchase
Hrs_OA	No. of Time Block x Duration of each Time Block in Hrs	C	Cost recovered through Demand Charges
S	Surcharge	D	Energy Wheeled / transmitted under Open-access
T	Tariff payable by the relevant category of Consumers, including reflecting the Renewable Purchase Obligation, if any	E	Wheeling Charge
ACS	Average Cost of Supply which for the present purpose would be obtained by Aggregate Revenue Requirement with energy sale to consumer as done in the relevant tariff order	F	Cross Subsidy Surcharge (if any)

CER Opinion

CER Clause No. 4.10 and 15.5: The draft clause No. 4.10 states “While the Open access Customer is a consumer of the distribution licensee with whom he is connected and has critical loads where the disruption of supply may result in law & order problems or safety hazards, then Open access Customer has to agree for arrangement of Backup Power as a condition of eligibility for getting Open access and is to ensure that it adheres to the provisions as specified in regulation 12.3 of these Regulations”, and draft clause No. 15.5 states “In cases of outages of generator supplying to Open access customer under Open access, backup power arrangements should be provided by the distribution licensee for a maximum period of 42 days in a year, subject to the load shedding as is applicable to the embedded consumer of the licensee and the licensee shall be entitled to collect tariff under temporary rate of charge for that category of consumer in the prevailing rate schedule subject to the condition that such tariff shall not exceed the highest consumer retail tariff in the prevailing rate schedule: Provided that in cases where temporary rate of charge is not available for that consumer category, the backup power arrangements shall be provided by the distribution licensee for a maximum of 42 days in a year and on payment of fixed charges of 42 days and energy charges for that category of consumer in the prevailing rate schedule. Provided further that in case of backup power arrangements sought by continuous process industries, the licensee shall charge on the basis of actual costs involved in arranging power.”

The draft Regulation does not mention the agency, which would ascertain disruption of supply to the open access customer (from a third party/captive source), and which may result in law & order problems or safety hazards. Certain level of objectivity in assessing such a situation or conditions thereof may be included in these Regulations.

In such scenario, the consumer will have to go for an arrangement of back-up power, which may attract high price. Thus, in many instances of disruption of supply, the consumer would prefer to pay a penalty under the applicable penalty under the prevailing framework for intra-state Availability Based Tariff / Deviation Settlement Mechanism (DSM). The consumer may not thus seek Back-up power. The mandatory/optional nature of back-up power should be mentioned. Furthermore, type of consumers, who would have to seek back-up power, should be defined beforehand.

The limited (cumulative) duration of 42 days in a year for seeking back-up power may not be sufficient under certain circumstances. The Regulations may define conditions for reversal of the Open-access granted to such consumers, if duration of disruption goes beyond, say, 30/40 days a year, beyond which the distribution licenses should be liable to ensure reliable supply. This is specifically required for the identified consumers facing disruption of supply leading to law and order or safety hazards.

CER Clause No. 4.3: The draft clause states “*Any person intending to avail Open access must have an existing connectivity with the concerned transmission or distribution licensee, in whose system it is connected with, in accordance with applicable rules and regulations. However, for long term open-access, the applicant may submit the application for connectivity along with the application seeking Long - Term Open access*”. It may be clarified that in case an applicant seeking Long-term Open-access is already having an existing connectivity with the concerned transmission or distribution licensee, will it still be obligated to apply for connectivity (for the required quantum of power) along with Open-access application.

CER Clause No. 6.4: The draft clause states “*The Open access Customer will have to indicate in its application for Open access the potential hazards concerning public safety in line with the Environment (Protection) Act, 1986 or any other law as applicable. On the basis of such declaration and subject to approval by the SLDC after due consideration of such declaration the Open access Customer will be listed for Open access from different sources for Emergency Power*”. It is suggested that the definition of 'different sources for Emergency Power' may be included in these Regulations, or referred to in case such definition already exists.

CER Clause No. 7: The draft clause states “*...the Nodal Agency shall not compromise with the margin of different parameters of distribution systems...*”. It is suggested that there should be a mechanism to transparently determine these margins, and such margins should be publicly displayed through the SLDC's website in a conspicuous manner. This will ensure that there is no discrimination with a consumer during specific periods.

CER Clause No. 7.2 (a): The draft clause states “*...Open access as will be determined by regulation 7.7 of these regulations*”. It is observed that there is no presence of Clause No. 7.7 in the draft Regulations. This clause seems to refer to Clause No. 7.6, as such the required change may be made.

CER Assessment of Transmission system capacity - Clause No. 7.1 and 7.4 (a) (i): The following points may be considered while determining the capacity available for open access in transmission line and the associated system,

- In case of significant underutilisation of allotted Open-access transmission capacity, or capacity that is cancelled/ withdrawn/ reduced, such capacity may be deemed to be surrendered. Such surrendered capacity may be taking into consideration while determining the capacity available for Open-access.
- In case of behind-the-meter captive generation by the Open-access consumer, any reverse injection may influence the capacity of the transmission line and the associated system. Such reverse injection may also be taking into consideration while determining the capacity available for Open-access.

CER Assessment of distribution system capacity - Clause No. 7.5: The draft clause states “*The concerned Distribution Licensee(s) shall determine the available capacity for allotment for the portion of the Distribution System over which Open access has been requested for.*” It is suggested that, similar to the determination of transmission system capacity, while determining the distribution system capacity available for Open-access, the distribution licensee should consider behind-the-meter captive generation by the Open-access as well as other consumers connected with the same feeder/distribution transformer, or even beyond if required. In case a consortium of Open-access consumers at an industrial estate install behind-the-meter captive generation in combination with energy storage, this would improve the distribution capacity of the system, and thus such captive generation is suggested to be accounted for.

CER Smoother process for application - Clause No. 9.1 (d): The draft clause states “*All documents and copy of agreements /MOU/PPA etc. as mentioned in Format-1 as per Annexure 1 and along with the requisite application fees are to be submitted along with the application; otherwise, the submission of application will be treated as void. Nodal*

agency shall issue due acknowledgement of each valid application with a serial number". To ensure a smoother process for Open-access, basic requirements of the consumers (KYC+, consumer number, granted load etc), that may not normally undergo a change, may be done once with verification from physical documents as required. The Open-access applicant should only be required to submit other technical information related to his/her Open-access application, preferably through online mode with a physical copy be submitted in the due course within required timeline. Any mismatch thereof should lead to penal provisions against the applicant so ensure that correct information is shared through online process.

CER Limit on quoted price - Clause No. 12.2.2 (c): The draft clause states *"No bidder shall be allowed to quote price, which is more than eight times the floor price"*. It is suggested that there should be no cap on the bid amount that a bidder wants to quote, however the burden of the quoted price which is greater than or equal to eight times the floor price cannot be passed on to the consumers, and thus this over-bid shall not be reflected in the ARR filed by any licensee seeking Open-access.

CER Underutilisation of Open-access - Clause No. 12.2.2 (f): The draft clause states *"The Short Term Customer getting reservation for capacity less than the capacity sought by him and the Short Term Customers getting transmission or wheeling capacity reservation equal to the capacity sought to be reserved, shall pay the charges quoted by him."* It is suggested that in case a consumer gets reservation for capacity less than the capacity sought by him (or is later curtailed), he should pay charges in the same proportion as the charges and capacity allocated to him. However, in case the bidder himself gives up the capacity originally bid by him, and asks for a smaller capacity of open access, in such case the bidder shall pay the charges originally quoted by him, or apply afresh. Consistent underutilisation should lead to reduction in the granted Open-access. This would ensure that there is no hoarding of the network capacity, thus undermining competition.

CER ToD based Short-term Open-access (for less than a day): Some consumers may like to seek open access for part of the day, especially when the source of supply is solar or hybrid sources. In case of solar, such Open-access may be required for say 10 am to 4 pm. Sometimes, Open-access may be available only for certain continuous blocks of the day (and may not be available during the peak hours). An assessment of distribution/transmission capacity may lead to rejection of such Open-access if available capacity is determined as the minimum quantum over a day. Thus, it is suggested that during capacity assessment Time of Day factor should be taken into consideration in these Regulations because the transmission and distribution capacities change along with the Time of Day, considering both physical transmission and distribution system constraints and VRE integration.

With reference to **Clause No. 18.2.1 (e) & 18.2.2 (c)**, since No. of Time Block(s) have been taken into consideration while calculating the Transmission and Wheeling charges respectively, it is suggested that the same should also be defined or appropriately incorporated in the procedure for Grant of Open-access.

CER Grace period for reasoning underutilization - Clause No. 17.2: The draft clause states *"The SLDC may reduce/cancel the allotted capacity of an Open access Customer who is frequently underutilizing the capacity allotted to him or not utilizing the same and if the customer is not able to give sufficient reasons for such non/underutilization within 15 days from the date of intimation"*. The duration of 15 days given in the draft clause seems to be too long. In case an applicant seeks open access for 7 days, this clause would fail to apply. It is suggested that the said duration be reduced to 1-2 day.

CER Surrender of LTOA/MTOA - Clause No. 17.4: The draft clause states *"The Open access Customer shall be entitled to surrender the LTOA / MTOA in the event it is not able to utilize the Open access availed by him, whether in part or in full subject to satisfying the conditions of regulation 17.7"*. The draft clause does not mention the number of days in which the 'Open access Customer shall be entitled to surrender the LTOA / MTOA in the event it is not able to utilize the Open access availed by him'. It is suggested that the same be mentioned in these Regulations.

CER Clause No. 17.7: The draft clause states *"Provided further that in case a customer submits an application for relinquishment of long-term access rights at any time at a notice period of less than one year, then such customer shall pay an amount equal to 66% of the estimated transmission and/or wheeling charges (net present value) for the period falling short of a notice period of one (1) year, in addition to 66% of the estimated transmission and/or wheeling charges (net present value) for the stranded transmission capacity for the period falling short of 12 (twelve) years of access rights."* In case a long term Open-access consumer surrenders or gives an application for relinquishment of access rights which he had sought for 12 years or more duration, and he submits an application for commencement of relinquishment for a period less than 1 year in advance, such customers are required to pay an amount of 66% of the estimated transmission and/or wheeling charges. However, it is important to mention that the transmission and/or wheeling charges for the period falling short with respect to the notice period of 1 year would have already passed. In such cases, due to the fact that this duration would be for less than a year, the applicability of net present value does not

seem to be justified, as NPV is calculated for cashflows during a period in future. NPV would be applicable if for a period for which Open-access is not expected to be utilised in the future.

It is suggested that the pro-rata value of these transmission charges for which the duration for underutilization is less than a period of 1 year should be taken into consideration rather than considering the net present value.

The exact date of the beginning of the notice period may be clarified in these Regulations. There are three possible cases:-

- (i) Date of initial intimation of application for relinquishment
- (ii) Date of complete document submission for relinquishment including clearing of all dues
- (iii) Date of approval of relinquishment

CER Clause No. 17.7 (a) (ii): The draft clause states *“Long-term customer who has not availed access rights for at least 12 years... ”*. The duration of 12 years given in the draft clause seems to be too long. In order to check that if a consumer has not availed the access rights for 12 years, the licensee will need to wait for the said duration to pass, as such the capacity will be blocked for these 12 years, and after the said duration, the licensee will charge the consumer for the non-availment of access rights. As such this clause needs to be rephrased to pass on the philosophy of the original Regulation. It is suggested that all the charges should be applied within 2-3 months of non-availment of access rights, and the capacity originally blocked should be available for supply of electricity/ allocation to other consumers (may be for identified period of underutilisation).

CER Clause No. 17.7 (b): The draft clause states, *“Medium-term customer: A medium-term customer may relinquish rights, fully or partly, by giving at least 30 days prior notice to the nodal agency.... ”*. It is recommended that the duration of availed access rights should be defined for medium-term Open-access consumers as well.

CER Clause No. 17.7(c): The draft clause states *“The discount rate that shall be applicable for computing the net present value as referred to in sub-clause (i) and (ii) of clause (A) above shall be the discount rate notified by CERC from time to time in accordance with the Guidelines for Determination of Tariff by Bidding Process for Procurement of Power by Distribution Licensees issued by the Ministry of Power”*. It is suggested that that following clause be added after the existing draft clause, *‘In case where the duration of shortfall is less than 1 year, the annual discount rate should be appropriately converted for such part year to calculate the net present value’*

CER Clause No. 18.2.1(d): The draft clause states that *“The charges for short-term Open access shall be calculated as per any of the following formula and levied from each short-term Open access Consumer:*

$$STOA_Rate = AFC \times 104 / [SCL \times 365 \times 24] \text{ paisa/Kwhr [sic] where,}$$

$$STOA_Rate = \text{Transmission charge rate for STOA};$$

“SCL” means sum of the allotted transmission capacities in MW to all the Long-Term Customers of the transmission system concerned”

The proposed formula for the STOA_Rate assumes that all the transmitted capacity of the transmission system under consideration, almost all of it has been allotted, whereas there might be instances where some proportion of the total system capacity may not have been allotted in Long-Term, Medium-Term and Short-Term Open-access. While calculating the STOA_Rate, denominator includes sum of allotted transmission capacities to all the Long-term customers of the transmission system. If in some cases the sum of allotted capacities is less than the total transmission capacity, then the STOA_Rate would be significantly higher.

In case of TOD, if the STOA has been allotted for specific hours, then the STOA_Rate needs to be defined based on such transmission capacities which have been allotted under short term Open-access.

CER Clause No. 18.2.1(h): The draft clause States that *“Transmission charges of wind and solar sources shall be at 1/4th of the normal long-term and medium-term Open access”*. It is proposed that *“charges”* be added in this section in conjunction with Open-access, i.e. medium-term Open-access charges. It is recommended that some clarification may be provided, since long-term and medium-term Open-access charges are being pro-rated for a part of the month. Will such pro-rated charges be automatically applicable in the case of wind and solar.

CER Clause No. 18.2.3(b): The draft clause states that *“Notwithstanding anything to the contrary specified hereinbefore, if the injection point of an Open access source and Open access drawal point are within the area of a single Distribution Licensee without involving any other distribution system of any other Distribution Licensee or transmission lines of any other Transmission Licensee, such Open access Customer shall also pay charges for deviation from the schedule to the agency at a rate as mentioned under the DSM Regulations based on the State Level Accounts For Deviation Settlement (DS) Charge as specified in the Balancing and Settlement Code of the Commission. Provided that the*

Distribution Licensee shall not pass any losses, arising out of such agreement, to its other consumers or other Licensees". It is unclear as to which losses this clause refers to (possibly in case where an open access customer may receive deviation charges from the state level deviation pool account). There will also be a need for some further clarification as there is no "such agreement" that is referred to.

CER Calculation of Cross-subsidy Charges - Clause No. 18.2.4(b): The draft clause states that *"The formula for Cross — subsidy surcharge is as follows:*

$$S = T - ACS + R$$

Where,

S = surcharge

T = Tariff payable by the relevant category of Consumers, including reflecting the Renewable Purchase Obligation, if any.

ACS = Average Cost of Supply which for the present purpose would be obtained by Aggregate Revenue Requirement with energy sale to consumer as done in the relevant tariff order.

R = per unit cost arising due to amortization of regulatory assets including the carrying cost of the regulatory assets."

The following points may be considered while determining the Cross-subsidy surcharge for Open-access,

- The defined ACS is essentially a category-wise cost of service. The ARR mentioned above should be replaced with category-wise ARR. The category-wise ARR is difficult to assess. As an alternative (till category-wise ACS can be ascertained each year), definition of ACS should be revised as 'Average Cost of Supply' which for the present purpose would be obtained by dividing Aggregate Revenue Requirement with energy sale to consumers, as done in the relevant tariff order.
- Clause states that *"Provided further that the surcharge shall not exceed 20% of the tariff applicable to the category of the consumers seeking Open access."* It is proposed that instead of consumers, 'consumer' should be written in this clause.
- ARR should exclude cost of power procurement for and quantum of sale to non-consumers including those within and outside the state.
- It will be necessary to clarify whether the tariff payable is the Average Billing Rate (ABR) or the variable part of the tariff. Both represent different cost elements. ABR is the applicable one here.
- An explanation may be added for the required adjustment for renewable purchase obligation.

CER Clause No. 18.2.4(d): The draft clause states that *"The amount of such surcharge shall be fixed by the Commission from time to time keeping in view the projected admitted cost of the Licensee for the relevant period"*. This clause should be written as, 'The amount of such surcharge shall be fixed by the Commission from time to time keeping in view the projected approved ARR of the Licensee for the relevant period'.

CER Terms and Conditions for access to Intervening Network - Clause No. 18.2.7: The draft clause states *"In an application by any Licensee, the Commission may, by order, require any other Licensee owning or operating intervening transmission facilities to provide the use of such facilities to the extent of surplus capacity available with such Licensee at rates, charges and terms and conditions as may be mutually agreed upon"*. In case of use of intervening transmission facility or distribution network of any other licensee, provisions for mutual agreements on rates, charges, terms and conditions, etc. would need to be reasonable. Regulations should provide a broad framework for the same and revisit it based on practices on the ground. Else, it would exhibit excessive market power with the owner of such networks and leave limited choice to the Open-access consumer in negotiation of such rates, charges and terms and conditions.

Furthermore, with reference to the second Proviso which states *"Provided also that if the rates, charges and term and conditions cannot be mutually agreed upon by the Licensees, the rates, charges and terms and conditions as specified in these Regulations shall apply"*. Effectively, this means that the rates, charges and terms and conditions to be calculated as per these Regulations would serve as the ceiling rate for such other distribution licensee and the intervening transmission system.

CER Transparency and Data Sharing: All information related to applications and grant of Open-access including availability of transmission network, and change in Open-access granted should be promptly and prominently placed on the website of SLDC. Apart from scanned copies of signed documents, all such information should be archived and searchable as a database. The details should include application number, name of the entity, date of application, date of

grant, quantum of Open-access applied/ granted, blocks and durations of Open-access applied/ granted, injection/ drawal point, injection/ drawal voltage, etc., and be archived to avoid any misuse. Block-wise schedule of all Open-access utilised should also be clearly specified in the daily schedule report of the SLDC. Any procedural departure or issue encountered causing delay in providing open access should also be recorded and archived in a searchable database on the SLDC portal.

CER Energy accounting for multiple Open-access contracts: In case of certain situations wherein multiple Open-access contracts of a single consumer are accounted through the same meter, there would be multiple issue that need clarity in the accounting of energy. CER evaluated a draft document of Draft TNERC (Grid connectivity and Intra-State Open-access) (Amendment) Regulations, 2021 and provided its comments thereof. This may be accessed from CER's newsletter of the Volume 4 Issue 3 or "CER Blog" cer.iitk.ac.in/blog/new_blog/?id=MTA0MQ== written in "CER Opinion", point no. 5.

CER Formatting: The format of units used (e.g., kWh rather than Kwh, etc.) must be corrected in a standardised way throughout the document.

Regulatory Updates

Tariff



BERC approved the purchase of 210 MW RE power (Hybrid Power) by NBPDC & SBPDCL from SECI on long term basis for 25 years subject to adoption of the discovered tariff including PPA and other relevant documents by CERC. The

Discoms should analyse all options for utilising excess conventional energy in order to reduce the cost of power purchase to consumers.



DERC grants approval to BRPL for the Letters of Intent dated 11th April, 2022 issued to Manikaran Power Ltd. & Ors. and to the Weighted Average Tariff of Rs. 6.04/kWh at BRPL periphery discovered through participation of various bidders

at DEEP portal. However, if this arrangement fails, it shall be the sole responsibility of BRPL to procure & supply power to its consumers at the Tariff discovered in the said bidding process and additional liability, if any, for this quantum of power, shall not be pass through in Aggregate Revenue Requirement (ARR) of FY 2022-23. This approval is further subject to condition that any surplus power available with BRPL during Summers of FY 2022-23 be first utilised within Delhi as required by other DISCOM under Inter DISCOM Transfer (IDT) mechanism.

DERC approves the request for Non-solar Bid of TPDDL only and directs TPDDL to rediscover the prices

either directly at DEEP or through Trader other than related party i.e., "TPTCL" to meet the Demand through conventional power. Further, TPDDL is directed to also utilise the option of Inter DISCOM Transfer (IDT) mechanism to meet the demand.



GERC allows the relaxing of ceiling limit of FPPPA charges by Rs. 0.10/kWh (from Rs. 2.21/kWh to Rs. 2.31/kWh) for the next billing quarter for TPL.



HERC approves the procurement of 7.5 MW solar power from Orbit Resorts Ltd. on short term basis at Rs. 2.48/kWh and allows HPPC to issue LOI and signing of PPA.



JERC has made a revision due to computation error to the tariff order for FY 2022-23 for ED-Goa. The approved per unit cost of power purchase for FPPCA calculation has been revised from Rs. 5.24/kWh to Rs. 4.37/kWh.



MPERC granted approval to SLDC for collection of the fee and charges equal to the amount as determined vide SLDC tariff order dated 6th December, 2021 for FY 2021-22 on provisional basis subject to retrospective adjustment of the same after determination of fee and charges to be collected by SLDC during FY 2022-23. Carrying cost on differences in charges shall be applicable as per the Regulations.

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MPERC has approved to the draft Supplementary Agreement (to PPA dated 5th January, 2011) filed by MPPMCL with the subject petition in respect of M/s BLA Power Private Limited and shall come into effect from the date it is executed by all the parties in PPA.

MSDEDCL is allowed to execute supplementary PPA with NTPC for the short-term power procurement of 672.99 MW for the period from 28th March, 2022 to 15th June, 2022



UPERC is of the view that flash floods are a regular phenomenon at the project site, and it is imperative for Alaknanda Hydro Power Company Ltd. to make necessary arrangements to prevent and reduce the impact of flash floods. The inefficiencies,

inabilities, lack of preparation by generating station can't be construed as Force Majeure. Therefore, generation loss due to trash cleaning is well within the control of the Petitioner and the Commission disallows the generation loss of 17.52 MU during FY 2018-19 due to trash cleaning.

UPERC approves Rs. 7.24 Crs. as cost of Additional coal procured and used by the DIL in FY 2019-20 for supplying the contracted Capacity to NPCL under the PPA as per the UPERC (Terms and Conditions of Generation tariff) Regulations, 2019. The Petitioner shall also be entitled to carrying cost on balance 10% of the month-wise claimed amount by applying Bank Rate as per Generation Tariff Regulations 2019 prevailing as on 1st April, 2019 - 12.05% for FY 2019-20, that as on 1st April, 2020 - 11.25% for FY 2020-21. Accordingly UPERC also approves the carrying cost works of Rs. 0.72 Crs till 6th May, 2020 i.e., the date of Commission's order.



WBERC directed that the Station Heat Rate of SGTPP (Unit III & IV) of West Bengal Power Development Corporation Limited will be considered as 2424 kCal/kWh instead of 2276 kCal/kWh. WBERC will allow the enhanced station

heat rate will at the time of determination of the APR/FCA of WBPDC for FY 2016-17 to 2022-23.

Power Procurement



APERC adopted the power purchase quantities and costs determined from various sources excluding the purchases based on the liquid fuel, purchases from traders, short-term purchases and purchases from renewable sources in accordance with clause 2(k) of Regulation 1 of 2017.

Accordingly, the Commission computed the Pooled Cost of Power Purchase for FY 2020-21 to be considered for FY 2021-22 as Rs. 4.60/kWh.

The difference between the Provisional Pooled Cost of Power Purchase at Rs. 3.741/kWh and the Pooled Cost of Power Purchase now determined shall be paid to the developers in six equal monthly instalments commencing from the billing month of June, 2022 to facilitate the DISCOMs to make payments in a staggered manner rather than by a lump-sum payment to avoid any undue strain on the finances of the DISCOMs.



GERC directed that Modern Tubes Ltd. is liable to pay Rs. 1,22,21,777/- on 25th December, 2019 to GUVNL as compensation for termination of PPA. They are also liable to pay interest on it at $[(SBAR + 2\%) / 52]$ per week or part

thereof.

GERC directed that S D Kulkarni is liable to pay Rs. 1,22,21,777/- on 24th October, 2019 to GUVNL as compensation for termination of the PPA. They are also liable to pay interest on it at $[(SBAR + 2\%) / 52]$ per week or part thereof.

GERC approves Short Term Power Purchase of 70 MW Round-the-Clock (RTC) power (i.e., from 00:00 hours to 24:00 hours) by TPL for the period 1st April, 2022 to 30th September, 2022. TPL is also directed to make the bids public by indicating the tariff quoted by all the Bidders.

GERC adopts the tariff discovered under competitive bidding process conducted by GUVNL as under:

S.No.	Name of the Company	Quoted Capacity (MW)	Allocated Capacity (MW)	Tariff (Rs. /Unit)
1.	M/s SJVN Limited	100	100	2.29
2.	SolarXL Alpha Energy Private Limited	200	200	2.29
3.	AMSA Solar Energy Private Limited	80	80	2.29
4.	Hinduja Renewables Energy Private Limited	240	120	2.29



HPSEBL had signed an implementation agreement dated 8th May, 2018 for the project execution. The petition states that Kin Hydro Power Developers is in the process of applying for a subsidy or financial aid under the Industrial

Development Scheme for the States of Himachal Pradesh and Uttarakhand. HPSEBL will be notified within 15 days of the release of the actual subsidy amount. They also stated that the projects Generic levelled tariff would be determined by adjusting the subsidy of Rs. 1.92 Crore. Therefore, in view of the powers vested in the Commission under Section 86 (1)

Regulatory Updates

(b) of the Electricity Act, HPSEBL and Kin Hydro Power Developers have made a case for the approval of PPA based on provisional tariff: -

(I) tariff without considering the subsidy: Rs. 4.54/kWh

(ii) Tariff considering subsidy: Rs. 4.28/kWh

Therefore, the tariff applicable for the project of petitioner is Rs. 4.28/kWh. This provisional tariff will be applicable for maximum period of 2 years. HPSEBL and Kin Hydro Power Developers should inform before one month of completion of 2 years for the continuation of tariff.

Sawra Kuddu project was commissioned on 21st January, 2021 and is eligible for Hydro Purchase Obligation (HPO). It was decided at the meeting on 30th March, 2022 between HPSEBL and HPPCL authorities, that HPPCL would receive the benefits of HPO on a short-term basis for FY 2022-23. It was also decided that HPSEBL shall procure power from Sawra Kuddu HEP and Kashang HEP on short term basis of one year on a mutually agreed rate of Rs 3.40/kWh. In case power is needed beyond one year, then discussion will be continued, and decision will be made later.



OERC approves the PPA dated 11th August, 2006 w.r.t NKSTPS executed between GRIDCO & NTPC for procurement of State's share of power (396 MW) from NKSTPS. Quantum of allocation of power is to be corrected as

396 MW (instead of 198 MW) in the PPA and NTPC need to ensure that transmission system associated with evacuation of power from the generating station is in place. Inordinate delay in CoD of the power plant has impact on the power procurement planning of GRIDCO.

OERC approves the tariff of Rs. 5.06/kWh for Saphthdhara SHEP. While computing ARR the tariff for the Saphthdhara SHEP has been considered at Rs. 4.26/kWh. The shortfall in ARR of GRIDCO on account of such revision of tariff for Saphthdhara SHEP in the present petition shall be considered in the ARR for the next year or in the True-up of GRIDCO.



RERC views that the procurement of 1200 MW wind power from SECI will not only help the Discoms in meeting their statutory obligation of RPO but will also make supply more affordable to the general consumers. Since the tariff was

discovered through competitive bidding, RERC approves the instant procurement of 1200 MW wind power.



of March 2022.

TNERC approves the procurement of 325 MW RTC power at Rs. 4.82/ kWh and 150 MW RTC power at Rs. 4.84/ kWh by TANGEDCO from 1st March, 2022 to 31st March 2022, and the quantum of 353.4 MU of power purchase during the month



WBERC approves PSA between WBSEDCL and SECI for purchase of 100MW blended Wind power by WBSEDCL from SECI.

WBERC approves the Supplementary Agreement between WBSEDCL and NHPC for purchase of entire power of 132 MW from Teesta Low Dam III Power Station by WBSEDCL.

Renewable Energy, RPO and REC

DERC approves Grants to 23 nos. of PPAs dated 11th March, 2015 executed between NDMC and Rays Power Experts Pvt. Ltd. DERC adopts the tariff discovered by bidding process, i.e., Rs. 6.35/kWh from the date of actual commercial operation of the project.

GERC views that TPL Dahej has a shortfall of 5.377 MUs in Wind RPO, 0.573 MUs in 'Others' RPO, 1.277 MUs in Solar RPO. The overall shortfall is 7.227 MUs i.e. 1.64%. Hence GERC decides that TPL Dahej is required to fulfil the shortfall during FY 2022-23 in addition to the RPO targets for FY 2022-23.

GERC views that TPL Ahmedabad, Gandhinagar and Surat has excess Wind RPO of 0.451 MUs and Solar RPO of 111.895 MUs and a shortfall in 'Others' RPO of 15.289 MUs. Hence GERC decides that TPL has fulfilled the RPO for FY 2018-19. Thus, the revised Total RPO of 10.70% for FY 2018-19 has been fulfilled by TPL based on actual RE procured.

GERC views that TPL Dahej has a shortfall of 9.651 MUs in Wind RPO, 1.193 MUs in 'Others' RPO, 7.264 MUs in Solar RPO. The overall shortfall is 18.109 MUs. GERC decides that TPL Dahej is required to fulfil the shortfall during FY 2022-23 in addition to the RPO targets for FY 2022-23.

GERC views that GIFT Power Company Ltd. has a shortfall of 1.790 MUs in Wind RPO, 0.053 MUs in 'Others' RPO, 0.649 MUs in Solar 'RPO'. The overall shortfall is 2.493 MUs. GERC decides that GIFT Power Company Ltd is required to comply with the shortfall during FY 2022-23 in addition to the RPO targets for FY 2022-23.

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MERC allows TPC-D to consider the quantum of 129 MUs already supplied by Tata Power Company Limited – Wind for the period of April 2021 to October 2021 in its power purchase basket for FY 2021-22 at tariff of Rs 3.27/kWh

MERC approves the procurement of 42.25 MW on long term basis from solar generators under PM-KUSUM. Parties are directed to sign the PPAs based on documents published during bidding process within 30 days of Order. MSEDCL shall submit a copy of the PPA to the Commission within 15 days of entering it. The Solar Power procured from those projects shall be eligible towards fulfilment of MSEDCL's Solar RPO for the respective periods.

MERC approves procurement of 385.3 MW on long-term basis from the Solar power projects connected to the Distribution Network under 'Mukhyamantri Saur Krishi Vahini Yojana' and allows MSEDCL to enter PPA with the successful bidder for a period of 25 years. MERC also allows MSEDCL to sign PPA with Ms. SMJS for 1.168 MW solar Project at Rs. 3.05/kWh, which is the lowest Tariff discovered in the latest competitive bidding process conducted by MSEDCL and adopted by MERC, after necessary modifications in the Draft PPA document of the MSKVY Tender for 1250 MW capacity.

OERC directs OREDA to compute the RPO of SAIL, Rourkela Steel Plant based on its total consumption and compare the same with the consumption from its co-generation sources from FY 2015-16 till FY 2020-21. The Computation of energy generated from coal used in CPP-1 of (4x25 MW) shall be done according to the following formula:

$$E(c) = [(Q_c \times GCV_c) / ((Q_c \times GCV_c) + (Q_g \times GCV_g))] \times E(T)$$

Where,

$E(c)$ = Electrical energy generated from coal at Generator terminal during the month (kWh);

Q_g = Quantity of gas consumed during the month (m3);

GCV_g = Weighted average Gross Calorific Value (GCV) of gas consumed during month (kCal/m3);

$E(T)$ = Gross electrical energy generated at Generator Terminal during the month (kWh);

Q_c = Quantity of coal burnt during the month (kg);

GCV_c = Weighted average GCV of coal burnt during the month (kCal/kg).

In case of difficulty in obtaining the figures, SAIL shall not get RPO exemption for power generated from CPP-1 for any month in which coal was used. SAIL is directed to provide the data as required by OREDA for

computation of RPO from FY 2015-16 till FY 2020-21. OREDA may also collect the required data from the office of EIC and SLDC for verifying the compliance data provided by SAIL. The EIC and SLDC are directed to provide the required data for the purpose as and when sought by OREDA.

TNERC views that due to reasonableness of prices and considering TANGEDCO is eligible to obtain the procurement-based incentive at Rs. 0.40/ kWh or Rs. 6.6 Lakh/ MW capacity installed, whichever is less, on timely execution of the PPA, TNERC approves adoption of the tariff of Rs. 2.99/kWh.

TSERC has considered that disconnection of the line as prayed by Prathmesh Solar Farms Pvt. Ltd., is of no use at such point of time and if done so, might lead to further complications. To make good of the loss sustained by Prathmesh Solar Farms Private Limited, TSERC directs TSTRANSCO to call for both Prathmesh Solar Farms Pvt. Ltd. and Mytrah Agriya Power Pvt. Ltd. to execute another Joint Deed of Agreement for the usage of additional 15 Multi-Connection Towers, use of which have now been currently deemed as unauthorised. Mytrah Agriya is ordered to extend its full cooperation to Prathmesh Solar Farms and TSTRANSCO in executing another Joint Deed Agreement for usage of additional 15 MCT towers. In case, Mytrah Agriya fails to execute Joint DoA, either Prathmesh Solar Farms or TSTRANSCO shall approach TSERC for necessary instructions. Also, TSTRANSCO shall refund the amounts collected from Mytrah Agriya for line charges taken, if any, for laying the transmission line over the towers. TSERC is not penalising TSTRANSCO for the violation of the Act 2003, to prevent the over-burdening. However, TSTRANSCO is expected to assess the requirement of transmission lines from the generating stations to the grid substations properly to avoid further conflicts.

TSERC has approved the main arguments of the TSDISCOMs in view of PUAs on the procurement of Solar Power from NTPC, which are as follows:

To meet the additional demand due to load growth, reliably and ensure the quality of power supply to all categories of the consumers including agriculture and lift irrigation schemes

- To meet RPO set by TSERC and reduce emissions.
- To avail the provisions of waiver of Inter-state Transmission Charges and losses for a period of 25 years, for the Solar Power projects commissioned by 30th June, 2025 vide MoP order No.23 / 12 / 2016 – R & R-Part (1) [239444], dated 21st June, 2021 and MoP order No. 23 / 12 /2016 - R&R dated 23rd November, 2021.

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- Since usage charges for 1,692 MW Solar Photovoltaic (PV) Power Station (Tranche - I & II) connected to the ISTS and selected through competitive bidding process under Central Power Sector Undertaking (CPSU) Scheme Phase-II.

The Power Usage Agreements (PUAs) consented by TSERC

Seller	Plant Location	Capacity (MW)	Rate Rs./ kWh	Date of PUA	Date of supplement agreement
NTPC Solar PV station	Devikot, Jaisalmer, Rajasthan	150	2.86	30.12.2019	30.12.2020
	Kolayat, Bikaner, Rajasthan	250	2.86	30.12.2019	30.12.2020
	Shambu-Ki-Burj, Bikaner, Rajasthan	300	2.86	13.03.2020	30.12.2020
	Nokhra, Bikaner, Rajasthan	300	2.86	13.03.2020	30.12.2020
	Fatehgarh, Jaisalmer, Rajasthan	296	2.86	13.03.2020	30.12.2020
	Devikot, Jaisalmer, Rajasthan	90	2.74	13.03.2020	30.12.2020
	Kawas, Surat, Gujarat	56	2.69	26.11.2020	30.12.2020
	Gandhar, Bharuch, Gujarat	20	2.69	26.11.2020	30.12.2020
	Navalakapatti, Ettayapuram Taluk, Tuticorin, Tamil Nadu	230	2.69	26.11.2020	30.12.2020
	Total	1692			

UPERC views that DSIL's plant is commissioned earlier than FY 2005-06 and has economical tariff compared to any newly commissioned bagasse-based plant, so it is useful in meeting non-solar RPO. Therefore, the extension of PPA dated 29th September, 2001 which expired on 22nd February, 2022 is being considered keeping overall interest of public at large despite completion of useful life of over 20 years.

OERC directed GRIDCO, is to provide a long-term projection of power requirements for the next 10 years with a plan to meet such requirements from various generating sources and submit its RPO compliance status for the last 10 years within 3 months, as per Orissa Reform Act, 1995.

GRIDCO has entered the exercise for procuring 200 MW solar power through ISTS-connected solar power projects towards the meeting of their RPO from NTPC without any actual necessity. OERC approves the

aforesaid modified/revised standard PSA to be executed between NTPC and GRIDCO towards the procurement of 200 MW solar power at an applicable tariff of Rs. 2.50/kWh including a trading margin of Rs. 0.07/kWh.

UPERC approves the SPPA executed between UPPCL and Uttam Sugar Mills Ltd. to increase the power export to the grid from (10 MW to 15 MW & 6.5 MW to 10 MW) and import power from (1 MW to 4 MW & 0.3 MW to 3 MW respectively) in terms of Regulation 5 of the UPERC (Captive and Renewable Energy Generating Plants) Regulations, 2019.

UPERC approves the UPPCL's proposal for the procurement of short-term power for the period May, 2022 to September, 2022 through the DEEP portal of the Government of India and approves the quantum of short-term power as part of overall power procurement requirements along with ARR for FY 2022-23.

Others

AERC approves the creation of Sinking Fund in the name of the Self Insurance Reserve (SIR) at 0.1% per annum of the total cost of the asset subject to the limit of 10% of the Gross Fixed Assets (GFA). AERC directs AEGCL to submit the progress report of the same within 3 months.

BYPL has submitted that the revised average recorded consumption was found to be 39.91% of the alleged consumption, and therefore, a revised bill for Rs. 10,51,741/- was issued. On perusal of documents, it is observed that in the revised speaking order dated 16th November, 2017, the average recorded consumption was found to be 39.91% and the bill was revised to Rs. 10,51,741/-. Therefore, Mohd Isa is not held liable for the violation. DERC thus imposes a penalty of Rs. 20,000/-.

CSERC provided relaxation in the provision of the Supply Code to LV-1 category consumers and granted CSPDCL ex-post facto approval to raise and recover only 50% of the additional security deposit evaluated by clause 6.9 during the billing month of October, 2021.

CSERC directed CSPDCL and CSPTCL to adjust the power bank in the energy bills from 19th August, 2021 and to issue revised bills for the subsequent months in which the power would be adjusted as per provisions in the amended Regulations. CSERC also ordered that this process should be completed within 2 months from the date of order.

CSERC exempted Dongargaon Paper Mills Pvt. Ltd. from having a dedicated feeder for connectivity and allowed long-term open access with the conditions that it

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would not increase the contract demand at the drawl point and will not make any claim in case of failure/under maintenance of multi-consumer EHV/HV feeder through which its plant is connected for drawl of power.

GERC approves amendment in the license issued to Jubilant Infrastructures Ltd. by addition of 18.55.92 Hectares as area of distribution licensee in existing area of 107.16.50 Hectares as per Notification No. S.O. 2964 (E) dated 5th September, 2017 issued by MoCI.

KSERC orders that the license area of KPUPL be extended to include 311.79 Acres of land in Puthencruz Village in Kunnathunadu Taluk in Ernakulam District.

OERC directed SLDC to submit the information relating to power flow in 400 kV, 220 kV and 132 kV transmission lines of State Transmission Utility (STU) i.e., Intra-state lines for the last few years and take necessary action for installation of PMU to the Commission by 30th June, in-order-to achieve safe, secure & efficient operation of the power system. Also, SLDC is directed to intimate the measures taken by them to prevent cyber-attack.

OERC directed M/s. Vedanta Ltd. to supply the full quantum of power with effect from the date of this order i.e., 19th February, 2022 forthwith as per para 30(b), (c) and (f) of the OERC order dated 5th October, 2021 in Case No. 34 of 2018 till the end of 31st March, 2022 by procuring and utilising linkage/concessional coal available under Unit-II (600 MW) under the valid long term FSA pending disposal of Case No. 06 of 2022.

OERC directed OPGC to install dedicated silos for the storage of dry fly ash for at least 16 hours of ash based on installed capacity and send the same to SPCB or PCC and provide real-time data daily of availability of ash with Thermal Power Plant (TPP), by providing a link to Central Pollution Control Board's web portal or mobile phone App for the benefit of the actual user(s).

OERC directed OPTCL to delegate adequate technical, administrative, and financial power to those officers entrusted with the timely completion of the proposed projects. A committee may be constituted with the concerned officials of OPTCL and DISCOMs for each project to prepare and subsequent adherence to the timeline of the project execution schedule while the Managing Director of OPTCL should conduct monthly coordination meetings.

TANGEDCO is directed to procure/arrange new meters of revised standard IEEE 519-2014 and amended CEA Regulations, 2019. TANGEDCO is further directed to make measurements and determine the TDD values adopting the methodology and duration strictly in accordance with the provisions in the IEEE 519-2014

standard and CEA amended Regulations, 2019 without any deviation. TNERC grants six months of time from the date intimation from TANGEDCO & TANTRANSCO to Union of India with measurement values and test results to facilitate to suppress harmonics in case of measured values exceeding the limits. Union of India's prayer to refund the harmonic surcharge already collected is rejected.

OPG Power Generation Pvt. Ltd. is entitled to the relief to the extent of Rs. 8,25,91,046/- regarding CVD as the same has not been disputed by TANGEDCO in terms of the quantum or in terms of law.

UPERC is of the opinion that the methodology for DSM accounting should be consistent for each intra-State drawee entity within the State and accordingly for preparation of consolidated DSM accounts at UPPCL level, UPSLDC shall consider metered data of ABT interface meters installed at T-D interface points. Therefore, the Commission directs as follows:

- (a) UPPTCL shall take corrective actions to rectify the discrepancies of metering system installed at T-D interface points latest by 15th August, 2022. The discrepancy report of meters along with the roadmap for its rectification/replacement shall be submitted within 10 days before the Commission and thereafter, status report shall be submitted on monthly basis.
- (b) UPPTCL in whose premises interface meters at T-D points are installed, shall regularly provide metered data to UPSLDC for preparation of weekly DSM accounts.
- (c) UPSLDC shall continue the trial run of preparing the regular weekly DSM accounts of UPPCL based on the metered data at T-D interface points and accordingly, summary of weekly DSM accounts of four weeks period from April and May onwards shall be submitted by UPSLDC before UPERC on monthly basis by 15th June and 15th July, 2022 and so forth. However, for study purpose, UPSLDC will also submit the summary of DSM accounts as a sample based on metered data at injection/ G-T interface points for month of April and May, 2022.
- (d) UPSLDC shall submit summary of entity wise weekly DSM accounts of all applicable Intra-state injecting and drawee entities in the State of U.P. for the month April and May 2022 by 15th June and 15th July, 2022 respectively.

WBERC approves the investment proposal of Rs. 610.38 Crs for System Strengthening works of West Bengal State Electricity Distribution Company Limited (WBSEDCL).

Tariff Orders

State/Union Territory (SERC)	Licensee/Utility	True-up	Annual Performance Review (APR)	Aggregate Revenue Requirement (ARR)	Tariff
Chhattisgarh (CSERC)	CSPGCL, CSPTCL, SLDC, CSPDCL		FY 2022-23		FY 2022-23
Karnataka (KERC)	BESCOM, HESCOM, MESCOM, GESCOM, CESC, AEQUS SEZ, MSEZ, KTPCL, HRECS		FY 2020-21	FY 2022-23 to FY 2024-25	FY 2022-23
Kerala (KSERC)	Smart City (Kochi) Infrastructure Pvt. Ltd.	FY 2016-17 to FY 2018-19			
	KSEB Ltd	FY 2018-19 to FY 2020-21			
	KSEB (Tariff Schedule)				FY 2022-23
	Rubber Park India (P) Ltd.		FY 2018-19 to 2021-22		
Madhya Pradesh (MPERC)	MPIDC	FY 2020-21		FY 2022-23 to FY 2026-27	FY 2022-23
Rajasthan (RERC)	RVUNL (CSCTPP) (Units 5 & 6)			FY 2022-23	FY 2022-23
	RVUNL (KTPS) (Units 1-7), (STPS) (Units 1-6), (CTPP) (Units 1-4), (KaTPP) (Units 1-2), (RGTPS) (270.50 MW), Mahi Hydel	FY 2020-21		FY 2022-23	FY 2022-23
	RE Generic Tariff Order (Biomass, Biogas and Biomass Gasifier power plants)				FY 2022-23
Telangana (TSERC)	TSTRANSCO	FY 2020-21	FY 2020-21		
West Bengal (WBERC)	HEL		FY 2014-15 to FY 2015-16		FY 2017-18 to FY 2019-20
	WBSETCL		FY 2015-16 to FY 2017-18		FY 2022-23
	WBSEDCL		FY 2014-15 to FY 2015-16		
	DVC		FY 2014-15 to FY 2016-17		FY 2017-18 to FY 2019-20
	DPL		FY 2014-15		

Regulations

Title	Date of Approval/Notification
AERC (Electricity Supply Code) (Fourth Amendment) Regulations, 2022	9 th April, 2022
AERC (Electricity Ombudsman) Regulations, 2022	1 st April, 2022
AERC (Renewable Purchase Obligation and its Compliance) (Third Amendment) Regulations, 2021	4 th April, 2022
APERC (Conduct of Business) (Seventh Amendment) Regulations, 1999	21 st April, 2022
APERC (Consumer Grievances Redressal Forum, Vidyut Ombudsman and Consumer Assistance) (Second Amendment) Regulation, 2022	25 th May, 2022
APERC (Terms and Conditions For Determination Of Tariff For Wheeling And Retail Sale Of Electricity) (Third Amendment) Regulation, 2005	29 th April, 2022
JERC (Goa and UTs) (Connectivity and Open Access in Intra- State Transmission and Distribution) (Second Amendment) Regulations, 2022	30 th May, 2022
MPERC (Recovery of Expenses and other Charges for providing Electric Line or Plant used for the purpose of giving Supply) Regulations (Revision-II), 2022	31 st May, 2022
TSERC (Compliance by Purchase of Renewable Energy/ Renewable Energy Certificates) Regulation, 2022	4 th April, 2022
TSERC (Deviation Settlement Mechanism & Related Matters) (First Amendment) Regulation, 2022	1 st April, 2022

***Disclaimer:** The information provided herein is extracted/reproduced from Order/ Regulation/ Document etc, of the respective Commissions. This is for information purpose only and does not in any matter reflect opinion or analysis thereon.

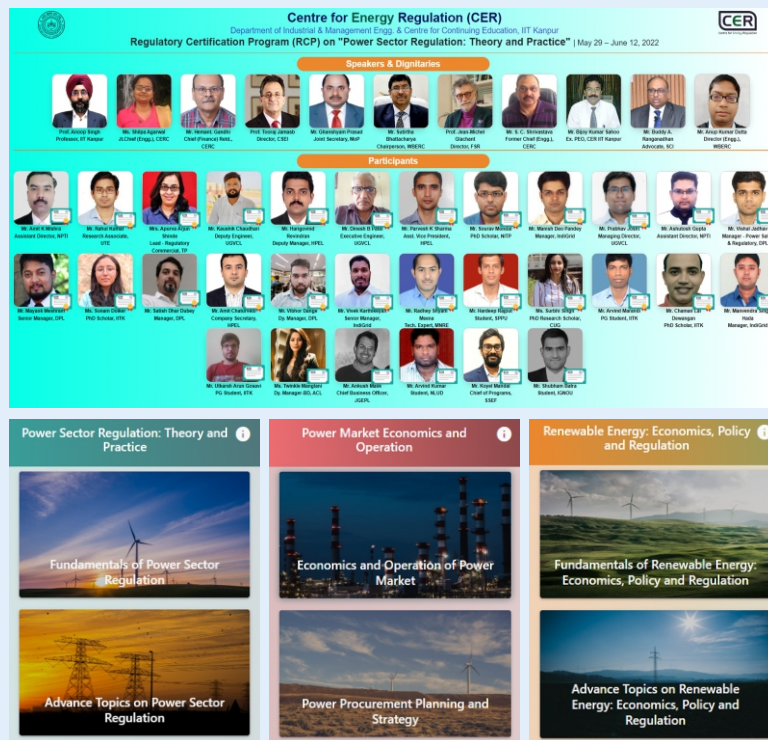
Regulatory Certification Programme on “Power Sector Regulation: Theory & Practice”

CER in association with EAL, organised the 2nd Regulatory Certification Programme on “Power Sector Regulation: Theory & Practice” from 29th May, 2022 to 12th June, 2022. This programme helped to understand and analyse the key issues in the power sector from economic, legal, and regulatory perspectives. It build upon the economic rationale for regulatory and policy changes in the power sector and engaged in informed discussions on the regulatory framework, particularly those governing determination of tariffs. The program was conducted under the aegis of the Centre for Continuing Education, IIT Kanpur. The valedictory session was held on 17th June, 2022 who's chief guest was Shri Sutirtha Bhattacharya, Chairperson, WBERC.

The speakers included Mr. Ghanshyam Prasad (Jt. Sec, MoP), Dr. Anoop Singh (Professor, IITK), Mr. S. C. Shrivastava (Jt. Chief (Engg.), CERC), Mr. H. T. Gandhi (Senior Advisor, CERC), Mr. V. P. Raja (Ex-Chairman, MERC), Prof. Jean-Michel Glachant (Director, FSR Energy), amongst many more.

The various topics covered during different sessions of this programme were, Economic Fundamentals of Power Sector, Market Failure and Natural Monopoly, Pricing and Regulation of Natural Monopoly, Developments in Policy Framework for the Indian Power System, Tariff Framework and Regulatory Perspective, Tariff Determination for Generators, MYT Framework for ARR and Tariff Determination for DISCOMs, Theories of Regulation, Incentive based Norms for Tariff Determination, Cost of Service Regulation, Performance Based Regulation and Beyond, A Look into Future Regulation and Performance of DCPRs, Evolution of DNO Regulation, Future of Networks and Consumer Behaviour, Legal and Commercial Aspects of Tariff: A Snapshot of Recent APTEL and SC Orders, Electricity Consumer Grievances Redressal: Institutional Approach and Practices, ARR and Tariff Determination for DISCOMs - A Case Study, Evolution of Transmission Pricing and POC Charge, amongst many more.

For further programme details including key topics, registration fee, etc., please visit <https://cer.iitk.ac.in/olet/rcp>



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Regulatory Insights Team

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Other Initiatives



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Note: Additional information can be accessed through the hyperlinks provided in the online version of this newsletter.