

### HERC: Guidelines for certifying or refusing to certify non-availability to Transmission/Distribution system or Unscheduled Load Shedding

HERC drafted guidelines for certifying or refusing to certify non-availability to transmission or distribution system for OA consumers. The summary is as follows:

Applicability	<ul style="list-style-type: none"> <li>OA consumers who use transmission system of HVPNL and/or Distribution system of UHBVNL/DHBVNL.</li> <li>OA consumer, existing consumers of DISCOMs, bulk consumers/CPPs/IPPs or state utility or an intra-state entity as a buyer or seller eligible under OA Regulations.</li> </ul>
Availability of Spare T & D Capacity	Surplus capacity to be offered to LTOA, MTOA, and STOA in respective order. In case of system enhancement, the applicant will pay the Distribution Capacity cost for grant of LTOA.
Contract Demand (CD) & Voltage Level	<ul style="list-style-type: none"> <li>Consumers who have a demand of 0.5 MVA and above and connected at 11 kV or above.</li> <li>Licensee, generating company, captive generating plant and consumer who have a demand of 1 MW and above, and connected at 11 kV or above.</li> <li>Consumers of two or more of distribution licensee who have a combined CD of 0.5 MVA or above and connected to common feeders.</li> </ul>
Connectivity	<ul style="list-style-type: none"> <li>Consumers at 10 MW and above will be eligible for connectivity at 33 kV or above</li> <li>Rest to be connected below 33 kV</li> </ul>
Application Fee	<ul style="list-style-type: none"> <li>For STOA Consumer: ₹5,000 + GST, MTOA Consumer: ₹1 lakh + GST, LTOA Consumer: ₹2 lakh + GST.</li> <li>For OA, a non-refundable fee of 2 lakhs and 1 lakh will be charged for grant of connectivity to the intra-state transmission and distribution system, respectively.</li> </ul>
<b>Failure of Evacuation System of the Licensee</b>	
Inter-state sale	The generator will need to pay the licensee at the charged to the purchaser for the energy which could not be evacuated by the licensee due to failure of system.
Intra-state sale	<ul style="list-style-type: none"> <li>For sale to the DISCOM, the generator to be paid as per the PPA with the licensee.</li> <li>In case of failure of evacuation system, SLDC is to inform the purchaser, who should stop drawing power within 6 blocks of this intimation as per DSM Regulations.</li> <li>During the period of system failure: <ul style="list-style-type: none"> <li>The purchaser to pay the generator at the agreed tariff, and the generator will pay the licensee for the energy supplied at the same tariff charged to the purchaser.</li> <li>The generator will be compensated by the licensee for payment of OA transmission and wheeling charges, and if the purchaser/OA consumer does not stop drawing power within 6 blocks, consumer will be charged for the imbalance.</li> </ul> </li> </ul>
<b>Failure of Transmission/Distribution system of Licensee</b>	
In case of unnotified outage on account of transmission/distribution system, the licensee will compensate the OA consumer the charges payable by consumer to the generating company or the lowest tariff applicable to the consumer category, whichever will be lower	
For any over-drawl beyond scheduled for any time slot during OA period in a day, the OA consumer will be penalised as per OA Regulation; further, for under-drawl, the consumer will be compensated as per the provisions of imbalance charges	
If there is a planned and emergency shutdown of any element of transmission/distribution system or grid get disturbed due to sudden change in voltage/system frequency and line constraints occur due to outage, then SLDC will certify non-availability of T & D system	

The HERC Document can be accessed [here](#).

### CER Opinion:

- **Treatment of Unused Transmission/Distribution Network Capacity:** To discourage withholding and to bring competitiveness in allocation of unused transmission/distribution capacity, the unused transmission capacity should automatically be released to the SLDC to meet any exigency or to reallocate the same for scheduling RTM based transactions/intra-day transactions (bilateral or through exchange).
- **Transparency and Data Sharing:** All information related to applications and grant of OA including availability of transmission network and change in OA granted should be promptly and prominently placed on the website of SLDC. The details should include - application number, name of the entity, date of application, date of grant, quantum of OA applied/granted, blocks and duration of OA applied/granted, injection/drawal point, injection/drawal voltage etc., and be archived to avoid any misuse. Block-wise schedule of all OA utilised should also be clearly specified in the daily schedule report of the SLDC. Any procedural departure or issue encountered causing delay in providing OA should also be recorded and archived in a searchable database on the SLDC portal.
- In case of refusal of OA application, SLDC should provide alternate slots/lower capacity or a timeline for available capacity in future. Surplus capacity, if any, in transmission/distribution network should be reported at least 3 months in advance and be updated on a weekly basis.
- In case of availability of network capacity in future, previous applicants whose application for the same duration was either refused or partially fulfilled, are given preference in capacity allocation.
- In case of failure of power evacuation and compensation for wheeling and transmission charges, a mechanism to pass on the benefit to the buyer should also be in place.
- The state's OA regulation (Clause 24), providing for a window of 6-time blocks, before revision of schedule by the generator and the intra-state buyer, addresses the system security concerns. Treatment with respect to inter-state transactions, though deficient on this front, would continue to be governed by the respective CERC regulations, which also needs analogous treatment, till such time HERC should follow CERC provisions.
- Further, in case of protracted unavailability of the evacuation system, the granted OA should be reduced/withdrawn within an appropriate time limit.