



# THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

ASSAM ELECTRICITY REGULATORY COMMISSION

## NOTIFICATION

The 21st November, 2024

### **AERC (TERMS AND CONDITIONS FOR OPEN ACCESS) REGULATIONS, 2024.**

**No. AERC 883/2023/42.-** In exercise of the powers conferred under Section 181, read with relevant provisions of Sections 39, 40, 42, 61 and 86 of the Electricity Act, 2003 and all other powers enabling it in this behalf, the Assam Electricity Regulatory Commission hereby makes the following Regulations: -

#### **CHAPTER I PRELIMINARY**

##### **1. Short Title, Extent and Commencement**

- 1.1. These Regulations shall be called the "Assam Electricity Regulatory Commission (Terms and Conditions for Open Access) Regulations, 2024.
- 1.2. These Regulations shall extend to the whole State of the Assam.
- 1.3. These Regulations will come into force from the 1<sup>st</sup> of April, 2025.

##### **2. Extent of Application**

- 2.1. These Regulations shall apply to open access for use of the Intra-State Transmission System(s) (InSTS) and/or Distribution System(s) of licensees in the State including when such systems are used in conjunction with the Inter-State Transmission System(s) (ISTS).
- 2.2. These regulations shall apply to all Open Access Customers who have been granted Open Access or those who are availing Open Access before the Effective Date of these Open Access Regulations. Notwithstanding anything to the contrary contained in earlier Regulations or orders of the Commission with respect to open access, these regulations shall have over-riding effect.

- 2.3. It is clarified that for persons who are drawing power or intend to draw power from any generator through dedicated transmission lines of the generator (including in-situ or off site captive generating plant) or any other arrangement not involving the use of intra-state transmission lines or distribution network of distribution licensee to whom such person is connected, the provisions of these Open Access Regulations shall be applicable to the extent relevant for such arrangement, including scheduling, determination of cross-subsidy surcharge, additional surcharge, arrangement for Backup Power, supply of Emergency Power, payment of Electricity Duty (ED) to the State Government as per applicable notification as such arrangement is also an Open Access mechanism. Such customers shall ensure proper metering arrangement including interface meters in accordance with the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, and amendments thereof, to record the energy supplied to the consumer from the generator.

### **3. Definition**

- 3.1. In these Regulations, unless the context otherwise requires:

1. "Act" means the Electricity Act, 2003 (36 of 2003) and subsequent amendments thereof;
2. "Allotted Distribution 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 / medium term open access customer on the distribution licensee's distribution system under normal circumstances and the expression "allotment of distribution capacity" shall be construed accordingly;
3. "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/ medium term open access customer on the intra-state transmission system under normal circumstances and the expression "allotment of transmission capacity" shall be construed accordingly;
4. "Applicant" includes a consumer, trading licensee, distribution licensee or a generating Company who has applied for seeking open access as the case may be;
5. "Appropriate Commission" means the Central Regulatory Commission referred to sub-Section (1) of Section 76 or State Regulatory Commission referred to Section 82 or Joint Commission referred to Section 83 of the Act, as the case may be;
6. "Banking" means the surplus green energy injected to the grid by GEOA consumers credited with the distribution licensee with provision of drawal as per this regulation;
7. "Billing Cycle" means billing period for open access which shall be on monthly basis.
8. "Captive Generating Plant" means power plant set up under Section 9 of the Electricity Act, 2003 by any person to generate the electricity primarily for its own use and fulfill the conditions laid down in the Electricity Act, 2003 and Rules framed thereunder
9. "Central Commission or CERC" means the Central Electricity Regulatory Commission referred to in subsection (1) of section 76 of the Act;

10. "Central Nodal Agency" means a Central Nodal Agency as notified by the Central Government to set up and operate a single window GEOA system for green energy as specified by Ministry of Power in the Electricity (Promoting Renewable Energy through Green Energy Open Access) Rules 2022;
11. "Collective Transactions" means a set of transactions discovered in power exchange through anonymous, simultaneous competitive bidding by buyers and sellers;
12. "Commission or AERC" means the Assam Electricity Regulatory Commission referred to in Section 82 of the Act;
13. "Common Feeder" means a feeder from the licensee's substation or line to the point of supply, to consumer(s) who are not on dedicated feeder subject to the condition that they agree to system constraints as well as other restrictions imposed by the Utility serving them in line with Clause 4.5.
14. "Connectivity" means the state of getting connected to the intra-State transmission and /or Distribution System;
15. "consumer" shall carry the same meaning as in the Act. For these regulations the definition shall be restricted to such Consumers within the State of Assam to whom these Regulations shall apply;
16. "Control Area" shall carry the same meaning as in the State Grid Code, 2024 and its amendments thereof.
17. "Day" means a day starting at 00.00 hours and ending at 24.00 hours of any calendar date of Gregorian calendar;
18. "Day Ahead Market (DAM)" means a market where Day Ahead Contracts are transacted on the Power Exchange(s);
19. "Dedicated feeder" means a feeder from the licensee's substation or line to the point of supply of a consumer for supplying electricity to that consumer.  
If the group of consumers, in the same premises or in contiguous premises, wants to avail open access, the feeder will be treated as dedicated feeder to such group of consumers subject to the condition that they collectively apply through a group leader to be nominated by all such consumers on that feeder;
20. "Detailed Procedure" means the detailed procedure laid down by the State Nodal Agency, in consultation with STU, SLDC and distribution licensee, pursuant to these Regulations and approved by the Commission;
21. "Developer" means the generating company who generate electrical energy from green sources of energy.
22. "Deviation" in a time block for a seller means its total actual injection minus its total scheduled generation and for a buyer means its total actual drawal minus its total scheduled drawal;
23. "Distribution Code" means the Distribution Code notified by the Commission;
24. "Distribution licensee" means any person who has been granted licence under Section 14 of the Act to distribute electricity;
25. "Electricity Supply Code" means the Electricity Supply code specified by the Commission under section 50 of the Act;
26. "Embedded Consumer" means a consumer who has a supply agreement with the distribution licensee and avails the option of drawing power from any other person under these regulations, fully or partially of the contract demand, during a day or more in any month or more than one month during the year, without

- ceasing to be a consumer of the said distribution licensee. The embedded consumer continues to pay various charges defined by the Commission as applicable to the relevant consumer category.
27. "Existing Open Access Customer" means a person already availing open access for sourcing/supplying energy from/to the transmission system and/or distribution system of the licensees in the State under an existing agreement or Commission's Regulations/orders on the date of coming into force of this Regulations;
  28. "Fossil Fuel" includes fuels such as coal, lignite, gas, liquid fuel or combination of these as its primary source of energy, which are used in Thermal Generating Station for generating electricity;
  29. "GEOA Consumer" means any open access consumer who has contract demand or sanctioned load of 100 kW or more, either through single connection or through multiple connections aggregating Hundred (100) kW or more located in same electricity division of a distribution licensee, has availed GEOA under these regulations and there shall be no limit of supply of power for the consumers taking power through captive generating plant under GEOA or such other limit as may be specified by Commission from time to time, who are supplied with electricity from Green Energy sources for their own use by a licensee or the Government or from its own Captive Generation Plant or by any other person engaged in the business of supplying electricity to the public including captive purpose under the Electricity Act, 2003 or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving green energy with the works of a licensee, the Government or such person, as the case may be."
  30. "GEOA Customer" includes an Applicant who has been granted GEOA open access under these Regulations;
  31. "Green Energy" means the electrical energy from renewable sources of energy including hydro and storage (if the storage uses only renewable energy) or any other technology as may be notified by the Commission from time to time and shall also include any mechanism that utilizes green energy to replace fossil fuels including production of green hydrogen or green ammonia;
  32. "Green Energy Open Access" "GEOA" means open access provided to the GEOA Customers for supply of Green Energy.
  33. "IEGC" means Indian Electricity Grid Code specified by the Central Electricity Regulatory Commission under Clause (h) of sub-section (1) of Section 79 of the Act, and as amended from time to time.
  34. "Installation" means the whole of electric wires, fittings, motors, and apparatus installed and wired by or on behalf of the consumer of one or same premise starting from the point of the commencement of supply;
  35. "Intra State Entities" means a person located within the State, receiving power by using the State-grid including such system when it is used in conjunction with inter-State transmission system and whose scheduling and/or metering and energy accounting is coordinated by the SLDC in accordance with the State Grid Code.



36. "Licensee" means a person who has been granted Licence under Section 14 of the Act;
37. "Long Term Open Access or LTOA" means the right to use the Intra-State transmission and/ or distribution system for a period exceeding 7 Years for open access;
38. "Medium Term Open Access or MTOA" means the right to use the Intra - State Transmission and /or distribution system for a period equal to or exceeding 3 months but not exceeding 5 years for GEOA;
39. "MNRE" means Ministry of New and Renewable Energy, Government of India (GoI)
40. "Month" means a calendar month as per the Gregorian calendar;
41. "MoP" means Ministry of Power, Government of India (GoI)
42. "Nodal Agency(ies)" means the Nodal Agencies referred to in these Regulations under 3.1 section 10 and 65.
43. "Obligated Entity" means the entities mandated under clause (e) of sub-section(1) of section 86 of the Act to fulfill Renewable Purchase Obligation, which includes distribution licensee, captive generating plant, and open access consumer.
44. "Open Access" means the non-discriminatory provisions for use of transmission lines and/or distribution system or associated facilities with such lines or system by any licensees or consumers or a person engaged in generation in accordance with these Regulations specified by AERC;
45. "Open Access Consumer" means the Open Access Customer who is also a consumer of the Distribution License with whose distribution system he is connected for getting supply of electricity in consumer mode and also connected for availing power through open access facility from its Open Access Source either through the grid; or in case of open access source being generator through Dedicated Transmission Line /internal network to its installations
46. "Full Open Access Consumer" means an Open Access Consumer connected to the transmission or distribution system but not having any supply agreement with the distribution licensee within the State;
47. "Open Access Customer" includes a consumer, trader, distribution licensee, Captive generating plant or a generating Company or any other person who has been granted open access under these Regulations;
48. "Operational Constraint" means the non-availability of adequate capacity in the intra-state transmission system or distribution system of a licensee or non-existence/inadequacy of a metering and energy accounting system where the electricity to be purchased or sold under open access can be correctly measured and accounted for;
49. "Person" shall include any company or body corporate or association or body of individuals, whether incorporated or not, or artificial juridical person;
50. "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);

51. "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);
52. "Premises" include any land, building or structure;
53. "Reactive Energy" means the integral of the reactive power with respect to time measured in VARh, or multiples thereof;
54. "Reactive Power" means the component of electrical power representing the alternating exchange of stored energy (inductive or capacitive) between sources and loads or between two systems, measured in VAT, or multiples thereof. For AC circuits or systems, it is the product of the RMS voltage and the RMS value of the out-of-phase component of alternating current. In a three-phase system, it is the sum of the reactive power of the individual phases;
55. "Remote Terminal Unit (RTU)" means a device suitable for measuring, recording and storing the consumption of electricity or any other quantity related with electrical system and status of the equipment in real time basis and exchanging such information with the data acquisition system for display and control and shall include, wherever applicable, other equipment such as Transducers, relays with necessary wiring and accessories;
56. "Renewable Energy Sources" means and include non-conventional renewable generation such as mini-hydel, Large Hydro (>25 MW commissioned on or after 8th March 2019 including pumped storage projects), wind, solar, biomass, biofuel cogeneration, urban or municipal waste, energy generated from Waste Heat Recovery System (WHRS) and such other sources as approved by the MNRE/ MoP and AERC.
57. "Reserved Capacity" means the capacity for power transfer in MW between the specified point(s) of injection and point(s) of drawal allowed to a short-term customer on the transmission/distribution system depending on availability of transmission/distribution capacity and the expression "reservation of capacity" shall be construed accordingly;
58. "Short Term Open Access or STOA" means Open Access for a period up to one (1) month at a time;
59. "SLDC" means State Load Despatch Centre established under sub-section of section 31 of the Act;
60. "Special Energy Meter (SEM)" includes a meter and its accessories compatible to record the electrical parameters in each defined time block for implementation of Availability Based Tariff (ABT);
61. "Standby charge(s)" means the charges applicable to Open Access customers against the standby arrangement provided by the distribution licensee, in case such Open Access customer is unable to procure/schedule power from the generating sources with whom they have the agreements to procure power due to outages of generator, transmission assets and the like;
62. "Start-up Power" means the power required by any generating station or Captive Generating Plant situated in the State for black start or cold start of such generating station.
63. "State" means the State of Assam;
64. "State Grid Code" means the State Grid Code specified by the Commission under clause (h) of sub-section (1) of section 86 of

- the Act, applicable on the date of commencement of these Regulations and as amended from time to time;
65. "State Nodal Agency" means a State Nodal Agency for the purpose of these Regulations set up and operate a single window GEOA System for green energy in the State of Assam is State Load Despatch Centre for Short-Term GEOA and State Transmission Utility (STU) for Medium-Term GEOA and Long Term GEOA;
66. "State Transmission Utility (STU)" means the utility notified by the Government of Assam as State Transmission Utility under section 39 of the Electricity Act, 2003;
67. "Stranded Distribution Capacity" means the distribution capacity which is likely to remain unutilized due to relinquishment of access rights by a LTOA/MTOA Consumer in accordance with these Regulations;
68. "Stranded Transmission Capacity" means the transmission capacity in the intra-State transmission system which is likely to remain unutilized due to relinquishment of access rights by a LTOA/MTOA Consumer in accordance with these Regulations;
69. "Transmission licensee" means any person who has been granted licence under Section 14 of the Act to transmit electricity.
70. "Transmission Services Agreement" means an agreement entered into between a transmission licensee and the open access customer to avail access to the licensee's transmission system for the transmission of electricity.
71. "Transmission System Segment" means a part or whole of the transmission system from the point of injection to the point of drawal;
72. "Wheeling" means the operation whereby the distribution system and associated facilities of a transmission licensee or distribution licensee, as the case may be, are used by another person for the conveyance of electricity on payment of charges to be determined under section 62;
73. "Wheeling Agreement" means an agreement entered into between a distribution licensee and the open access customer to avail access to the licensee's distribution system;
74. "Working Day" means a Day which is not a full / partial holiday as per the official Assam State Government's calendar or declared by AERC;
75. "Year" means a financial year.

### **3.2. Interpretation of Regulations**

- 3.2.1. Words and expressions used and not defined in these Regulations but defined in the Act and Regulations made thereunder like State Grid Code, State Distribution Code, and Electricity Supply Code shall have the meaning assigned to them under the Act or in the Regulations as the case may be.
- 3.2.2. Words in the singular or plural term, as the case may be, shall also be deemed to include the plural or the singular term, respectively;

- 3.2.3. The terms – “include” or – “including” shall be deemed to be followed by – “without limitation” or – but not limited to regardless of whether such terms are followed by such phrases or words of like import;
- 3.2.4. References herein to the – “Regulations” shall be construed as a reference to these Regulations as amended or modified by the Commission from time to time in accordance with the applicable laws in force;
- 3.2.5. The headings are inserted for convenience and may not be taken into account for the purpose of interpretation of these Regulations;
- 3.2.6. References to the statutes, Regulations or guidelines shall be construed as including all statutory provisions consolidating, amending or replacing such statutes, Regulations or guidelines, as the case may be, referred to.
- 3.2.7. Wherever in these regulations “open-access” is mentioned shall be applicable to all open-access customers unless specifically mentioned as applicable with regard to “green energy”.



## **CHAPTER – II**

### **GENERAL PROVISIONS OF OPEN ACCESS**

#### **4. Eligibility for Open Access and conditions to be met**

- 4.1. Subject to the provisions of these Regulations and system availability, a consumer, trading licensee, distribution licensee or a generating Company (including captive generating plants) who has applied for seeking open access as the case may be, shall be eligible for Open Access to the intra-State transmission system of the State Transmission Utility or any intra-state transmission licensee(s) and/or distribution system(s) of the distribution licensee(s) within the State, on payment of transmission and/ or wheeling and other charges, as applicable and as may be determined by the Commission pursuant to these Regulations.

Provided that notwithstanding anything contained in these Regulations, any Green Energy generating company having subsisting Power Purchase Agreement (PPA) with any distribution licensee, shall not be entitled to Green Energy Open Access for the Green Energy (RE) capacity, for which PPA is entered into as well as for any capacity (quantum of power) for which Open Access is already granted, except in accordance with the terms of such PPA.

- 4.2. Subject to the provisions of these Regulations, Open Access shall be permissible to all Consumers having Contract Demand of 1 MW and above only.
- 4.3. Only, in case of Green Energy, subject to the provisions of these Regulations, Green Energy Open Access shall be permissible to all Consumers, having Contracted Demand or sanctioned load of one hundred kW (100 kW) and above, either through single connection or through multiple connections aggregating 100 kW or more located in the same electricity division of a distribution licensee.

Provided, further that there shall be no limit with respect to contracted load or sanctioned load for the captive use of green energy by the consumer opting under Green Energy Open Access.

Provided further that minimum 12 continuous time-blocks for which the consumer shall not change the quantum of power consumed through Green Energy Open Access so as to avoid high variations in demand to be met by the distribution licensee.

- 4.4. Provided further that duties of the distribution licensee with respect of such open access customers shall be of a common carrier providing non-discriminatory Open Access as per section 42(3) of the Act;

- 4.5. Subject to the provisions of these Regulations, consumers who are connected by Dedicated Feeder / Common Feeder irrespective of their voltage of supply, and where there is no operational constraint shall be allowed open access. The consumers who are connected by Common feeder, shall be required to fulfil the criteria for energy accounting and system operation as provided by the State Nodal Agency in the Detailed Procedure. Open Access shall be granted to the consumers connected to the common feeders subject to the condition that the consumer agrees to any restrictions imposed by licensee/STU/SLDC on such feeders. The applicant seeking open access on a common feeder shall make upgradation of the existing energy meters, wherever required, including for the other consumers sharing the feeders as per Open Access Regulation at its own cost. In the event of unforeseen complications requiring the shutdown of common feeders, the petitioner will not claim any compensation referring to financial losses.
- 4.6. An Applicant having been declared insolvent or bankrupt or having outstanding dues against him for more than two months billing of distribution/transmission licensee at the time of application shall not be eligible for Open Access.
- 4.7. The Open Access Customer shall have Special Energy Meter (SEM). Necessary infrastructure shall be developed for Energy Accounting by the transmission or distribution licensee, as the case may be, at the cost of the customer. Also, necessary infrastructure shall be developed for real time monitoring which might involve installation of RTU and necessary communication infrastructure by the transmission or distribution licensee, as the case may be, at the cost of the customer. The data from SEM may be used for real time monitoring in addition to energy accounting. However, in case real time data telemetry has been established from BCU or MFM, the same shall be considered sufficient from real time monitoring aspect (Analog data portion). Along with Analog, Digital data shall also need to be established. In case an existing customer has not availed Open Access for more than two (2) years, the system installed for Energy Accounting and Real time Monitoring at SLDC and GSS may be decommissioned by the transmission or distribution licensee, as the case may be, at the cost of the customer. SLDC shall validate the data pertaining to real time monitoring and energy accounting before allowing Open access..

## **5. Special Provision for Existing Distribution Licensees and Generating Companies**

- 5.1. The Distribution Licensees or Generating Companies, using intra-State transmission system and/or the distribution system in the State (under an existing agreement or arrangement on the date of coming into force of these Regulations), shall be entitled to continue to avail open access to such transmission and distribution system on the

terms and conditions as per these regulations subject to conditions as specified in regulation 2.2 of these Regulations.

## **6. Categories of Open Access Customers**

6.1. The application procedure, application fee and the time frame of processing request by Applicant seeking Open Access shall be based on the following criteria:

- 6.1.1. System to which connected
  - i. Intra-State transmission system
  - ii. Distribution system
- 6.1.2. Inter-se location of drawal and injection points
  - i. Both within the same distribution system
  - ii. Within the State but in different distribution systems
  - iii. Indifferent States
- 6.1.3. Type of Customer
  - i. Embedded Open Access
  - ii. Full Open Access
- 6.1.4. Duration of Open Access
  - i. Long term open access as defined in Regulation 3.1. 37 of this Regulation.
  - ii. Medium-term open access as defined in Regulation 3.1. 38 of this Regulation.
  - iii. Short-term open access as defined in Regulation 3.1. 58 of this Regulation.

Provided that on expiry of granted STOA, if such Customer desires to avail the STOA for further period it shall require to file application for such period and such application shall be considered as fresh application and priority shall be fixed on basis of date of such application.

- 6.1.5. Source of Electricity Supply
  - i. Green Energy
  - ii. Other than Green Energy

## **7. Criteria for granting Long Term Open Access (LTOA) or Medium Term Open Access (MTOA) or Short Term Open Access (STOA).**

7.1. LTOA shall be allowed in accordance with the transmission system planning criteria and the distribution system planning criteria stipulated in the State Grid Code and Distribution Code.

7.2. MTOA shall be allowed if the resultant power flow can be accommodated in the existing transmission system and the distribution system.

- 7.3. STOA shall be allowed if surplus capacity is available on the intra-State transmission system/ distribution system after use by LTOA Customers and MTOA Customers, by virtue of:
- a) Inherent Design Margins;
  - b) Margins available due to variation in power flows; and
  - c) Margins available due to in-built spare transmission/ distribution capacity created to cater to future load growth.

Provided, in case of Green Energy Open Access, STOA and MTOA shall be allowed, if there is sufficient spare capacity available in the transmission system without any augmentation whereas for LTOA, the transmission system may be augmented, if required.

Provided that augmentation of the transmission / distribution system may not be carried out for the sole purpose of granting MTOA or STOA.

Provided further that construction of a dedicated transmission /distribution system shall not be construed as augmentation of the transmission /distribution system for the purpose of these Regulations.

## **8. Allotment Priority**

The priority for allotment of Open Access in intra-State transmission shall be decided subject to availability of capacity, on the following criteria:

- 8.1. Amongst the open access customers, the following priority basis will be followed:
- 8.1.1. Distribution licensee for non-fossil fuel sources
  - 8.1.2. Distribution licensee for fossil fuel sources
  - 8.1.3. LTOA for non-fossil fuel sources
  - 8.1.4. LTOA for fossil fuel sources
  - 8.1.5. MTOA for non-fossil fuel sources
  - 8.1.6. MTOA for fossil fuel sources
  - 8.1.7. STOA for non-fossil fuel sources
  - 8.1.8. STOA for fossil fuel sources

Provided in case there is no open access applicant in certain category mentioned above, the next category will be eligible for allotment.

- 8.2. When the requirement projected by an Applicant is more than the available capacity and the said Applicant is not able to limit his requirement to the available capacity, the request of Applicant having next lower priority shall be taken up for consideration.
- 8.3. All applications for LTOA, MTOA or STOA shall be processed on first-come-first-served basis, separately for each of the aforesaid types of open access.



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Provided that applications received during a month or upto the date specified under these Regulations shall be construed to have arrived concurrently:

- 8.4. Provided further that while processing applications for MTOA received during a month, the Applicant seeking access for a comparatively longer period shall have higher priority.

### **CHAPTER – III**

#### **APPLICATION PROCEDURE AND APPROVAL**

#### **9. Nodal Agency**

9.1. Intra-State – In case of open access connected to the State transmission / distribution system or on systems of different transmission / distribution licensees and falls within the Control Area jurisdiction of the State:

9.1.1. In case of only Green Energy Open Access:

Central Nodal Agency as notified by the Central Government has set up and is operating a single window open access portal for green energy as specified by Ministry of Power in the Electricity (Promoting Renewable Energy through Green Energy Open Access) Rules 2022. The current web-address of the portal is <https://greenopenaccess.in/landing>, this may be updated by the Central Nodal Agency from time to time.

9.1.2. In all cases of open access including State level nodal agency of green energy open access

- a) SLDC, Assam (the State Load Despatch Centre of Assam) shall operate as the State Nodal Agency for grant of Short-Term Open Access; and
- b) Assam Electricity Grid Corporation Limited (AEGCL, the State Transmission Utility (STU)) shall be State Nodal Agency for grant of Long-Term Open Access and Medium-Term Open Access

9.2. Inter-State: In case of open access connected to the inter-state transmission system and not under the control area jurisdiction of the State, – the same shall be as per relevant regulations of CERC and amendments from time to time.

#### **10. Application Procedure for Open Access**

10.1. The Applicant shall submit the application related to open access complete in all aspects, in the prescribed format:

10.1.1. In case of green energy open access, to Central Nodal Agency as specified on the centralised portal as provided in Regulation 9.1.1 of these regulations. These applications shall get routed to the concerned nodal agency notified by the Appropriate Commission for grant of green energy open access as provided in Regulation 9.1.2 of these regulations.

The State Nodal Agency shall coordinate with transmission licensees including STU and the Distribution Licensees to make available all relevant information regarding green energy open access to the public on the portal of the Central Nodal Agency. The State

Nodal Agency shall also submit a copy of application to the distribution licensee who is supplying electricity to Applicant.

- 10.1.2. In all other open access cases except as mentioned in Regulation 10.1.1, to the State Nodal Agency mentioned in Regulation 9.1.2 of these Regulations as specified by the said Nodal Agency.

The Applicant shall also submit a copy of application to the distribution licensee who is supplying electricity to Applicant with proof of submission to the Nodal Agency

- 10.2. A first time Open Access Customer shall have to install the necessary infrastructure for real time data communication with SLDC along with installation of Special Energy Meter (SEM) in consultation with the concerned transmission licensee or the distribution licensee as the case may be. The State Nodal Agency to specify exact requirements from Open Access Customers in the Detailed Procedure.
- 10.3. All applicants seeking Open Access shall submit an undertaking of not having entered into Power Purchase Agreement (PPA) or any other bilateral agreement with more than one person for that capacity (quantum of power) and for the same period for which Open Access is sought.
- 10.4. Subject to the provisions of these Regulations, the time frame for disposal of application shall be as specified in the following table. The application fee also specified in table below may be revised by the Commission by notification from time to time:

Sl no.	Particulars	Short Term	Medium Term	Long Term
<b>1) Time Frame for disposal of application (acceptance or rejection) from the date of receipt of application complete in all respects by concerned nodal agency</b>				
<b>a)</b>	For Intra-State Open Access (including green energy open access), <b>without augmentation</b> of	<b>i.</b> 7 working days, if applied for first time and 5 working days on subsequent application, if connection is	<b>i.</b> For <b>green energy</b> open access – 15 working days from receipt of complete	<b>i.</b> For <b>green energy</b> open access – 15 working days from receipt of complete application by State Nodal Agency from

	transmission and/ or distribution system	<p>sought <b>on system of intra-state transmission licensee</b></p> <p>ii. 10 working days, if applied for first time and 5 working days on subsequent application, if connection is sought <b>on system of distribution licensee</b></p>	<p>application by State Nodal Agency from Central Nodal Agency</p> <p>ii. For <b>other than green energy</b> open access - 40 days</p>	<p>Central Nodal Agency</p> <p>ii. For applications <b>other than green energy</b> open access - 40 days, if the open access is required within the system of same distribution licensee</p> <p>iii. In all other cases, 120 days</p>
<b>b)</b>	For Intra-State Open Access (including green energy open access), <b>in case augmentation</b> of transmission and/ or distribution system is required	<p>The State Nodal Agency shall intimate their decision to not allow open access due to any ineligibility or because further augmentation for system strengthening is essential within 15 working days from receiving the application stating detailed reasons for rejection or requirement of system strengthening.</p> <p>In case the Applicant, wants State Nodal Agency to conduct detailed studies and development of estimates for augmentation for system strengthening, the Applicant need to provide consent to the State Nodal Agency.</p> <p>After receiving consent to conduct detailed studies by State Nodal Agency from Applicant, 90 days or actual number of days as may be required whichever is earlier in case augmentation work of transmission or distribution system is involved. However, the time frame may be extended by the State Nodal Agency by another 90 days for valid reasons to be recorded in writing. If any extension is required beyond the aforementioned time, it shall be done only with the prior approval of the Commission.</p>		
<b>c)</b>	For Inter-State Open Access	As per applicable CERC Regulations.		



<b>2) Application Fees (Non-refundable)</b>				
		<b>Short Term</b>	<b>Medium Term</b>	<b>Long Term</b>
<b>a)</b>	For Intra-State Open Access			
	Open Access other than green energy	Rs. 15,000/-	Rs. 50,000/-	Rs. 1,50,000/-
	Green Energy Open Access	Rs. 10,000/-	Rs. 25,000/-	Rs. 1,00,000/-
<b>b)</b>	For Inter-State Open Access	As per applicable CERC Regulations.		

10.5. Applications for Open Access shall be received and processed at headquarters of the State Nodal Agency for granting of open access in accordance with the detailed procedure prescribed in these Regulations. Applications for Green Energy Open Access shall be routed from Central Nodal Agency portal and processed at headquarters of the State Nodal Agency in accordance with the detailed procedure prescribed in these Regulations.

10.6. Subject to provisions of these Regulations, the State Nodal Agency in consultation with State Transmission Utility, SLDC and distribution licensee shall prepare the Detailed Procedure for grant of open access including requisite formats and submit to the Commission for approval within 60 days of publication of these Regulations in Official Gazette. The Detailed Procedure including formats for green energy open access which include the usage of Central Nodal Agency Portal shall be submitted separately within the same timeframe. The detailed procedure shall be issued by State Nodal Agency after approval of the Commission.

## **11. Procedure for Long Term Open Access (LTOA)**

### **11.1. Involving Inter-State Transmission System:**

Notwithstanding anything contained in Regulation 11.2 and 11.3 below, in case of open access connected to the inter-state transmission system and not under the control area jurisdiction of the State, the procedure shall be as per relevant regulations of CERC and amendments from time to time.

### **11.2. Involving Intra-State Transmission System:**

11.2.1. The Application for grant of LTOA shall contain details such as name of the entity or entities from whom electricity is proposed to be procured or to whom to be supplied along with the quantum of power, type of energy-

green/other and such other details as may be laid down by the Central/ State Nodal Agency, as applicable, in the Detailed Procedure.

Provided that in case augmentation of Transmission System is required, the Applicant shall have to bear the cost for the same.

- 11.2.2. Provided that in cases where there is any material change in location of the Applicant or change by more than 10 percent in the quantum of power or 5 MW, whichever is less, to be interchanged using the intra-State Transmission system, a fresh Application shall be made, which shall be considered in accordance with these Regulations.
- 11.2.3. The Applicant shall submit any other information sought by the State Nodal Agency including the basis for assessment of power to be interchanged using the intra-State Transmission System and power to be transmitted to or from various entities to enable the State Nodal Agency to plan the intra-State transmission system in a holistic manner.
- 11.2.4. The application shall be accompanied by a non-refundable fee as specified in Regulation 10.4 (2) of these Regulations in the name and in the manner laid down in the detailed procedure.
- 11.2.5. The application shall be accompanied by a bank guarantee corresponding to Rs.50,000/MW (Fifty Thousand per MW) of the total power to be transmitted from a nationalized or Scheduled Bank in favor of the State Nodal Agency, in addition to the specified application fee. For Green Energy open access-based transaction, the bank guarantee shall be Rs 25,000 /MW (Twenty Five Thousand per MW). The amount of bank guarantee specified above may be revised by the AERC by notification from time to time.
- 11.2.6. The bank guarantee shall be kept valid and subsisting till
  - i. operationalization of LTOA when augmentation of transmission system is not required. **OR**
  - ii. the execution of the LTOA agreement, in the case when augmentation of transmission system is required.

- 11.2.7. The bank guarantee shall be returned to the applicant within 15 working days
- i. of signing of the LTOA Agreement; **OR**
  - ii. No consent to proceed by Applicant in case of augmentation for system strengthening. **OR**
  - iii. of rejection of such application
- 11.2.8. The bank guarantee shall be encashed by the State Nodal Agency,
- i. if the application is withdrawn by the applicant at any stage; **OR**
  - ii. if the LTOA rights are relinquished prior to the operationalization of such rights when augmentation of transmission system is not required;

Provided in case of force majeure event, the above rights shall not be enforced.

- 11.2.9. On receipt of the application, the State Nodal Agency shall, in consultation and through coordination with other agencies involved in intra-State transmission system to be used (SLDC and Distribution licensee of the open access customer), process the application and carry out the necessary system studies as expeditiously as possible so as to ensure that the decision to grant LTOA is arrived at within the timeframe specified in these Regulations.

Provided further that the result of system study shall be made available to the open access customer / applicant within seven working days of being finalized.

Provided that in case the State Nodal Agency faces any difficulty in the process of consultation or coordination, it may approach the AERC for appropriate directions.

- 11.2.10. Based on the system studies, the State Nodal Agency shall specify the intra- State transmission system that would be required to give long-term access. In case augmentation to the existing intra-State transmission system is required, the same will be intimated to the applicant.

Provided that if, in the opinion of the STU, further system strengthening of transmission is essential before providing long term open access, the STU shall intimate the cost estimates, likely completion schedule and estimated date from which open access shall be allowed after system

strengthening within 90 days of the receipt of the application.

Provided further that if system strengthening of network of Distribution Licensee is required, the cost estimate & likely completion schedule shall be intimated by Distribution Licensee to the STU within 45 days of receipt of application.

- 11.2.11. The applicant shall accordingly deposit the estimated amount for works to the STU and the concerned Distribution Licensee as the case may be.

Provided that in case the applicant does not agree to avail open access with system strengthening, his application shall be rejected and the Bank Guarantee shall be released.

- 11.2.12. While granting LTOA, the State Nodal Agency shall communicate to the applicant, the date from which LTOA shall be granted and an estimate of the transmission charges likely to be payable based on the prevailing costs, prices and methodology of sharing of transmission charges specified by the AERC.

- 11.2.13. The applicant shall sign an agreement for LTOA with the STU in case LTOA is granted by the State Nodal Agency, in accordance with the provision as may be made in the detailed procedure.

The LTOA agreement shall contain the date of commencement of LTOA, the point of injection of power into the grid and point of drawal from the grid and the details of dedicated transmission lines, if any, required. In case augmentation of transmission system is required, the LTOA agreement shall contain the timeline for construction of the facilities of the applicant and the transmission licensee, the bank guarantee required to be given by the applicant and other details in accordance with the detailed procedure.

- 11.2.14. While seeking LTOA from an intra-State transmission licensee, other than the STU, the applicant shall sign a tripartite LTOA agreement with the STU and the intra-State transmission licensee, if involved.

The LTOA agreement shall contain the date of commencement of LTOA, the point of injection of power



into the grid and point of drawal from the grid and the details of dedicated transmission lines, if any, required. In case augmentation of transmission system is required, the LTOA agreement shall contain the timeline for construction of the facilities of the applicant and the transmission licensee, the bank guarantee required to be given by the applicant and other details in accordance with the detailed procedure.

11.2.15. Immediately after grant of LTOA, the State Nodal Agency shall inform the SLDC/Distribution Licensee, so that it can consider the same while processing requests for grant of MTOA/STOA, received under these Regulations.

11.2.16. In cases where more than one long term open access customer applies for capacity allocation during the same period, and if the capacity sought to be allocated to the customers is more than the available capacity during that period of time, the State Nodal Agency concerned may offer to allocate the capacity in the ratio of capacity sought by the customers.

Provided that the costs of system augmentation, if such augmentation becomes necessary, shall also be apportioned among the customers.

11.2.17. On the expiry of the period of LTOA, the same may be extended on a written request by the Open Access Customer, to the STU, submitted at least six months prior to such expiry, mentioning the period for which extension is required and accompanied by a fee as prescribed at sub regulation 11.2.4 above.

Provided that in case no written request is received from the Open Access Customer within the timeline specified above, the said LTOA shall stand terminated on the date upto which it was initially granted.

**11.3. Within the same distribution system:**

11.3.1. The procedure specified in Regulation 11.2 above shall, mutatis mutandis, apply to cases of LTOA when the point of injection and the point of drawal are located in the same distribution system.

**12. Procedure for Medium Term Open Access (MTOA)**

**12.1. Involving Inter-State Transmission System:**

Notwithstanding anything contained in Regulations 12.2 and 12.3 herein below, in case of open access connected to the inter-state

transmission system and not under the control area jurisdiction of the State, the procedure shall be as per relevant regulations of CERC and amendments from time to time.

**12.2. Involving Intra-State Transmission System:**

12.2.1. The application for grant of MTOA shall contain such details as may be laid down under the detailed procedure and shall, in particular, include the point of injection into the grid, point of drawal from the grid and the quantum of power for which MTOA has been applied for.

Provided that in cases where there is any material change in location or change by more than 10 percent in the quantum of power or 5 MW, whichever is less, to be interchanged using the intra-State transmission system, a fresh application shall be made, which shall be considered in accordance with these Regulations.

12.2.2. The application shall be accompanied by a non-refundable fee as specified in Regulation 10.4 (2) of these Regulations in the name and in the manner laid down in the detailed procedure.

12.2.3. On receipt of the application, the State Nodal Agency shall, in consultation and through coordination with other agencies involved in intra-State transmission, process the application and carry out the necessary system studies as expeditiously as possible so as to ensure that the decision to grant or refuse MTOA is made within the timeframe specified in these Regulations.

Provided that in case the State Nodal Agency faces any difficulty in the process of consultation or coordination, it may approach the AERC for appropriate directions.

12.2.4. On being satisfied that the requirements of eligibility for MTOA is met by the Applicant, the State Nodal Agency shall grant MTOA for the period stated in the application:

Provided that for reasons to be recorded in writing, the State Nodal Agency may grant MTOA for a period less than that sought for by the applicant.

Provided further that the applicant shall sign an agreement for MTOA with the STU, in accordance with the provision as may be made in the detailed procedure.

While seeking MTOA to an intra-State transmission licensee, other than the STU, the applicant shall sign a

tripartite MTOA agreement with the STU and the intra-State transmission licensee.

- 12.2.5. The MTOA agreement shall contain the date of commencement and end of MTOA, the point of injection of power into the grid and point of drawal from the grid, the details of dedicated transmission lines required, if any, the bank guarantee required to be given by the applicant and other details in accordance with the detailed procedure.
- 12.2.6. Immediately after grant of MTOA, the State Nodal Agency shall inform the SLDC/Distribution Licensee so that it can consider the same while processing requests for STOA received under these Regulations.
- 12.2.7. On expiry of the period of the MTOA, the open access Consumer shall not be entitled to any overriding preference for renewal of the term.
- 12.2.8. A MTOA customer may relinquish rights, fully or partly, by giving at least 30 days prior notice to the State Nodal Agency by making payment of compensation as specified in the detailed procedure.
- 12.2.9. A customer seeking MTOA on inter-State network in conjunction with intra-State network shall submit application as detailed in sub regulation 12.1 above to the Nodal Agency for issue of no objection certificate/ concurrence/ prior standing clearance accompanied with fee as prescribed in sub regulation 12.2.2 above and a no objection certificate from the concerned Distribution Licensee in case the applicant is a consumer of Distribution Licensee.

**12.3. Within the same distribution system:**

The procedure specified in Regulation 12.2 above shall, mutatis mutandis, apply to cases of medium-term access when the point of injection and the point of drawal are located in the same distribution system.

**13. Procedure for Short Term Open Access (STOA)**

**13.1. Involving Inter-State Transmission System:**

Notwithstanding anything contained in these Regulations, in case of open access connected to the inter-state transmission system and not under the control area jurisdiction of the State, the procedure shall be as per relevant regulations of CERC and amendments from time to time.

**13.2. Involving intra-State transmission system:**

**13.2.1. Open Access in advance**

- a) The application to the Central / State Nodal Agency, as applicable, shall be on the prescribed format containing such details as capacity needed, type of energy – green/ other, generation planned or power purchase contracted, point of injection, point of drawal, duration of availing Open Access, peak load, average load and such other additional information as may be required by the concerned Nodal Agency.
- b) The application shall be accompanied by a non-refundable application fee as specified in Regulation 10.4 by way of demand draft or payment through electronic transfer in favour of the State Nodal Agency.

Provided that if, the open access is sought for the first time or quantum of open access is changed from the previously approved quantum, the State Nodal Agency shall obtain a No Objection Certificate from the concerned Distribution Licensee in a proforma prescribed in the detailed procedure.

- c) An application for grant of Open Access commencing in any month may be submitted in a cover marked — Application for Short-Term Open Access (in case of green energy open access to Central Nodal Agency through centralized portal) — up to four months prior to the month of STOA but not later than the 15<sup>th</sup> (fifteenth) day of the preceding month. For example, application for grant of Open Access commencing in the month of August shall be received between 1<sup>st</sup> April and 15<sup>th</sup> July.
- d) Separate application shall be made for each month and for each transaction in a month.
- e) State Nodal Agency shall acknowledge receipt of the application by indicating time and date on — Acknowledgement to the applicant. (In case of green energy open access, as per the applicable process prescribed by Central Nodal Agency).
- f) Based on the type of transactions State Nodal Agency shall take a decision on the applications for STOA in the manner provided herein below.
  - i. All applications received up to 15<sup>th</sup> day of the month shall be taken up for consideration together and processed as per allotment

priority criteria specified under these Regulations.

- ii. The State Nodal Agency before granting intra state open access shall take into consideration resultant congestion of any element (line and transformer) of transmission and distribution system involved in the proposed transaction.

Provided that no system augmentation shall be done in order to allow STOA to a consumer. However, the customer may at his own cost augment the distribution/ transmission system in order to avail open access.

- iii. State Nodal Agency shall convey grant of Open Access or otherwise in prescribed format along with schedule of payments to the customer latest by 21<sup>st</sup> day of such preceding month.
  - iv. State Nodal Agency shall record the reasons in writing, if Open Access is denied.
- g) In case the State Nodal Agency anticipates congestion, it shall invite electronic bids as per the Bidding Procedure for advance scheduling after the last date for submission of applications.

### **13.2.2. Day-Ahead Open Access**

- a) An application for grant of day-ahead Open Access may be made to the State Nodal Agency (in case of green energy open access to the Central Nodal Agency within three days prior to the date of scheduling but not later than 7:30 am of the day immediately preceding the day of scheduling for day-ahead transaction,

For example: Application for day-ahead transaction on 25th day of July shall be received on 22nd day or 23rd day or upto 7.30 am on 24th day of that month.

Provided that the telemetry facility (both real-time and AMR) with SLDC is in place and functional and requisite consent from the concerned distribution licensee has been obtained for the period for which open access is sought.

- b) The State Nodal Agency shall check for resultant congestion due to the proposed STOA and convey grant of approval or otherwise in prescribed format at the earliest.

**13.2.3. Procedure for scheduling transaction in a contingency**

In the event of a contingency, the Open Access customer may locate a source of power to meet short-term contingency requirement even after the cut-off time of 13:00 hrs of the preceding day and apply to the State Nodal Agency for Open Access and scheduling and in that event, the State Nodal Agency shall endeavour to accommodate such request as soon as possible and to the extent practically feasible, in accordance with the detailed procedure.

**13.2.4. Bidding Procedure**

Bidding procedure shall be as defined below:

- a) If the capacity sought by the customers for “Open Access in Advance” for the following month is more than the available capacity or the State Nodal Agency perceives congestion of any element of transmission and distribution system involved in the transaction, the allocation shall be made through electronic bidding procedure.
- b) The decision of the State Nodal Agency in respect of an expected congestion shall be final and binding.
- c) The State Nodal Agency shall convey information of congestion and decision for invitation of bidding indicating floor price in prescribed format to the applicants.
- d) The State Nodal Agency shall also display the bidding information on its website.
- e) The rate of transmission and wheeling charges determined by the Commission shall be indicated in prescribed format.
- f) The bids shall be accepted in prescribed format up to the “bid closing time” as indicated in bidding invitation notice. Request for modification / amendment to a bid, once submitted shall not be entertained.
- g) If any customer does not participate in bidding process, his application shall be deemed to have been withdrawn and shall not be processed.
- h) The State Nodal Agency shall not entertain any request for extension of time/date for submission of bids.
- i) The bidders shall quote price (rounded-off to whole number) in denomination in which transmission and distribution price has been determined.
- j) The quoted price shall be arranged in descending order and allocation of available capacities shall be accorded in such descending order until the available capacity is exhausted.



- k) In case of equal price quoted by two or more customers, the allocation from the residual available capacity at any stage shall be made in proportion to capacity being sought by such Consumers.
- l) All customers, in favour of whom full capacities have been allotted, shall pay the highest price obtained from bids.
- m) The customers, who are allotted less capacity than sought for, shall pay the price as quoted by them.
- n) The State Nodal Agency shall reject bids which are incomplete, vague in any manner or not found in conformity with the bidding procedure.
- o) The successful bidders, in favour of whom the capacities have been allocated, shall pay transmission charges, wheeling charges, as the case may be, determined by bidding process.

13.2.5. The reserved capacity for a Short-Term Open Access Customer shall not be transferable.

13.2.6. The capacity available as a result of surrender or reduction or cancellation of the reserved capacity, shall be allocated to any other Short-term Open Access Applicant, in accordance with Regulations 8.3 of these Regulations.

13.2.7. On expiry of the period of the STOA, the short-term customer shall not be entitled to any overriding preference for renewal of the term.

#### **14. Consent by STU, SLDC or Distribution Licensee**

##### **14.1. Inter-State Open Access**

14.1.1. In case of open access connected to the inter-state transmission system and not under the control area jurisdiction of the State, the procedure shall be as per relevant regulations of CERC and amendments from time to time.

##### **14.2. Intra-State Open Access:**

14.2.1. In respect of a consumer connected to a distribution/transmission system seeking Open Access, State Nodal Agency shall be required to obtain the consent of the distribution licensee concerned. The process and timeline of providing consent, refusal or any other communication shall be provided in Detailed Procedure by State Nodal Agency and shall be governed by the overall timeline provided in Regulation 10.4.

- 14.2.2. The relevant detail of submission of application and consent/ refusal shall also be communicated to SLDC, wherever required and in cases where SLDC is not the State Nodal Agency, this will be provided in Detailed Procedure. Further, in case of green energy open access, the involvement of Central Nodal Agency and communication using the Centralized portal shall be provided in the Detailed Procedure.
- 14.2.3. While processing the application from a generating station seeking consent for Open Access,
- i. the distribution licensee shall verify the following: -
    - a) Existence of infrastructure necessary for time-block-wise energy metering and accounting in accordance with the provisions of the State Grid Code in force,
    - b) Availability of capacity in the distribution network, and
  - ii. the SLDC shall verify the following: -
    - a) Availability of RTU and communication facility to transmit real-time data to SLDC.
- 14.2.4. The distribution or transmission licensee, as the case may be, shall convey any of the following to the State Nodal Agency as per the Detailed procedure and timeline provided therein:
- a) Where existence of necessary infrastructure and availability of capacity in the distribution network has been established, the distribution licensee shall convey its consent for open access; **OR**
  - b) Deficiency or defect in application: **OR**
  - c) Due to ineligibility of applicant or incorrect application or in case the application has been found to be in order but the distribution licensee refuses to give consent on the grounds of non-existence of necessary infrastructure or unavailability of surplus capacity in the distribution network, such refusal shall be communicated along with reason: **OR**
  - d) Requirement of system strengthening or augmentation, as applicable.
- 14.2.5. Where the distribution licensee has not communicated to State Nodal Agency in the specified timelines provided in the Detailed procedure, consent shall be deemed to have been granted.

- 14.2.6. If there is deficiency or defect in the application and the same is communicated to Applicant by State Nodal Agency, the timeline will start again from the date all the deficiencies and defects are removed by the Applicant or as provided in the Detailed Procedure.

**15. Consideration of Applications from Defaulters**

Notwithstanding anything contained in these Regulations, the State Nodal Agency may reject an application for Open Access after giving reasons for the same, on the ground of non-compliance of the provisions of these Regulations, more specifically the provisions relating to timely payment of the charges leviable hereunder. The information of such non-compliance or earlier default in payments can be collected by State Nodal Agency from concerned SLDC, transmission or distribution licensee, as applicable through process to be provided in Detailed Procedure by State Nodal Agency.

**16. Open Access Agreement/ Undertaking**

- 16.1. A LTOA/ MTOA Customer shall enter into agreements for availing open access with SLDC.

- 16.2. A LTOA/MTOA Customer shall enter into a transmission services agreement with the STU for use of State transmission system, in accordance with, the provisions as may be made in the detailed procedure. In case the connection is made with the network of an intra-State Transmission Licensee other than the STU, the applicant shall sign a tripartite agreement with STU and the intra-State Transmission Licensee.

- 16.3. A LTOA/MTOA Customer shall enter into a wheeling agreement with the Distribution Licensee for use of the distribution system.

The standard formats for open access agreements referred at sub Regulations 16.1, 16.2 and 16.3 shall be issued in the detailed procedure by State Nodal Agency.

- 16.4. Copies of the agreements executed shall be submitted to the State Nodal Agency. State Nodal Agency shall intimate the open access customer the date from which open access shall be available, which shall not be later than 3 working days, from the date of furnishing of agreements.

- 16.5. The prevalent LT/HT/EHT power supply agreement with the Distribution/ Transmission Licensee shall continue to exist with the agreements/ undertakings, signed as above, so far as, it is not in-consistent with these Regulations.

**CHAPTER – IV**  
**OPEN ACCESS CHARGES**

**17. Charges to be levied**

17.1. The charges to be levied on Open Access Customers shall be as follows: -

- a) Transmission charges;
- b) Wheeling charges;
- c) Cross subsidy Surcharge;
- d) Additional Surcharge
- e) Standby charges wherever applicable;
- f) Deviation Charges
- g) Reactive Energy Charges
- h) Scheduling and System Operation Charges
- i) Banking charges; and
- j) other fees and charges such as Load Despatch Centre fees, etc. as per the relevant regulations/ orders of the Commission.

**18. Transmission Charges**

Open Access Customer using transmission shall pay the charges as stated hereunder:

18.1. In case of open access connected to the inter-state transmission system and not under the control area jurisdiction of the State, the charges shall be as per relevant regulations of CERC and amendments from time to time.

18.2. For use of intra-State transmission system

18.2.1. The Open Access Customer shall pay the transmission charges as determined by the Commission from time to time pursuant to the applicable tariff order for the transmission licensee.

Provided that the transmission charges shall be payable by the LTOA/ MTOA Customer on the basis of Allotted Transmission Capacity or open access capacity utilized, whichever is higher.

Provided that for STOA Customer, the transmission charges shall be payable on the basis of scheduled quantum approved by SLDC.

18.2.2. In addition to Transmission Charge, Transmission loss shall be applicable to Open Access Customer as determined by the Commission from time to time in the applicable tariff order of transmission licensee.

**19. Wheeling Charges**

Open Access Customer using distribution system shall pay the charges as stated hereunder:

**19.1. For use of distribution system**

19.1.1. The Open Access Customer shall pay the wheeling charges as determined by the Commission from time to time pursuant to the applicable tariff order of distribution licensee.

Provided that the wheeling charges shall be payable by the LTOA/ MTOA Customer on the basis of Allotted Distribution Capacity or open access capacity utilized, whichever is higher.

Provided that for STOA Customer, wheeling charges shall be payable on the basis of scheduled quantum approved by SLDC.

19.1.2. In addition to Wheeling Charge, Wheeling loss shall be applicable to Open Access Customers as determined by the Commission from time to time in the applicable Tariff Order of Distribution licensee.

**20. Cross Subsidy Surcharge**

20.1. In addition, to payment of transmission and / or wheeling charges, an open access consumer shall pay cross subsidy surcharge to the distribution licensee of the area of supply in which such consumer is located. The cross-subsidy surcharge shall be determined by the Commission from time to time in the applicable Tariff Order of Distribution Licensee or any other applicable order.

Provided that such surcharge shall not be levied on a person for capacity for which he has established a captive generation plant. in respect of his own captive generation for carrying the electricity to the destination of his own use.

20.2. Cross subsidy surcharge shall also be payable by such consumer who receives supply of electricity from a person other than the distribution licensee, in whose area of supply he is located, not from captive route, irrespective of whether he uses the transmission and /or distribution system of the licensee or not.

20.3. The Cross-subsidy surcharge for shall be determined by the Commission:

Provided that the cross-subsidy surcharge for GEOA Consumer purchasing green energy, from a generating plant using green energy sources, shall not be increased, during twelve years from



the date of operating of the generating plant using green energy sources, by more than fifty percent (50%) of the surcharge fixed for the year in which open access is granted;

Provided also that cross subsidy surcharge shall not be applicable in case power produced from a non-fossil fuel-based Waste-to-Energy plant is supplied to the GEOA Consumer:

Provided also that Cross subsidy surcharge shall not be applicable if green energy is utilized for production of green hydrogen and green ammonia.

- 20.4. The cross-subsidy surcharge payable by a consumer shall be such as to meet the current level of cross subsidy within the area of supply of the distribution licensee.

## **21. Additional Surcharge**

- 21.1. A Open Access Consumer, receiving supply of electricity from a person other than the distribution licensee of his area of supply, shall pay to the distribution licensee an additional surcharge as determined by the Commission in addition to transmission and/or wheeling charges and cross-subsidy surcharge, to meet out the fixed cost of such distribution licensee arising out of his obligation to supply as provided under sub-section (4) of Section 42 of the Act;
- 21.2. This additional surcharge shall become applicable only when, due to the open access being granted, the obligation of the licensee in terms of power purchase commitments has been and continues to be stranded or there is an unavoidable obligation and incidence to bear fixed costs consequent to such a contract, However, the fixed costs related to network assets would be recovered through wheeling charges.
- 21.3. The distribution licensee shall submit to the Commission, along with its Tariff Petitions, detailed computations of the stranded fixed cost, caused by consumers shifting to open access, which the licensee is incurring towards its obligations to supply.
- 21.4. The Commission shall scrutinize the statement of calculation of such stranded fixed costs, submitted by the distribution licensee and determine the amount of additional surcharge based on the following principles:
- 21.4.1. The cost must have been incurred by or be expected, with reasonable certainty, to be incurred by the distribution licensee on account of such consumer opting for open access; and

- 21.4.2. The cost has not been or cannot be recovered from such consumer or from other consumers who have been given supply from the same assets or facilities, through wheeling charges, stand-by or other charges approved by the Commission.
- 21.5. The open access consumers located in the area of supply of a distribution licensee but availing open access exclusively on inter-state and/ or intra-state transmission system shall also pay the additional surcharge.
- 21.6. Additional surcharge determined on per unit basis shall be payable, on monthly basis, by the open access consumers based on the actual energy drawn, during the month, through Open Access.
- 21.7. The Additional Surcharge shall not be applicable to the GEOA consumer for the quantum of Green Energy Open Access availed if the fixed charge is being paid by such GEOA consumer to the distribution licensee for the quantum of Green Energy Open Access availed up to contract demand / sanctioned load with the licensee.

Provided that in case the quantum of Green Energy Open Access availed by the GEOA consumer is more than the contracted demand / sanctioned load with the licensee and no fixed charge or demand charge is being paid or payable for additional quantum, in that case the Additional Surcharge determined by the Commission from time to time as per the Orders of the Commission shall be applicable for such additional quantum availed over the contracted demand / sanctioned load.

Provided further that such additional surcharges shall not be levied in case distribution access is provided to a person who has established a Captive Generation Plant for carrying the electricity to the destination of his own use.

Provided also that additional surcharge shall not be applicable in case power produced from a non-fossil fuel-based Waste-to-Energy plant is supplied to the GEOA:

Provided also that additional surcharge shall not be applicable in case electricity produced from offshore wind projects, which are commissioned upto December, 2032 and supplied to the GEOA Consumer.”

Provided also that Additional Surcharge shall not be applicable if green energy is utilized for production of green hydrogen and green ammonia.

**22. Standby Power and Standby Charges**

- 22.1. If an Open Access Customer requires power from the distribution licensee in case of outage of the generator or the source supplying power to such Open Access Customer, or a generator connected to distribution system injecting power through Open Access, requires start-up power from the distribution licensee, then such Open Access Customer or generator may make an application to the distribution licensee seeking standby power. The application shall be made in format and in the manner as may be prescribed in the detailed procedure.
- 22.2. The distribution licensee shall provide standby power to such Open Access Customer, subject to availability of requisite quantum of power and subject to the load shedding as is applicable to the embedded consumer of the licensee.
- 22.3. The licensee shall be entitled to collect charges under temporary rate of charge for that category of consumer or 125 percent of the normal tariff for that category, in the prevailing rate schedule provided in the applicable tariff order by Commission for distribution licensee, whichever is lower. In case, where temporary rate of charge is not available for that consumer category, the standby arrangement shall be provided by the distribution licensee on payment of 125 percent of the normal tariff for that category in the prevailing rate schedule.
- 22.4. Provided further that the Open Access Customers would have the option to arrange standby power from any other source subject to the conditions that such power shall be drawn through the same system for which Open Access has been granted.
- 22.5. It is clarified that the situations as provided in the definition of Standby Charges at Regulation 3.1( 61 of these regulations, the GEOA consumer has to take power from an alternate sources like the distribution licensee and the charges for maintaining standby arrangements for such consumers should be reflective of the costs incurred by distribution licensee for providing these support services.
- 22.6. For GEOA consumer, the standby charges, wherever applicable, shall be specified by the Commission and such charges shall not be applicable, if the GEOA Consumers have given notice, in advance atleast a day in advance before closure time of the Day Ahead Market on "D - [minus] 1" day, 'D' being the day of delivery of power for standby arrangement to the distribution licensee:

Provided that the applicable standby charges shall not be more than twenty-five per cent (25%) of the energy charges applicable

to consumer tariff category as per the relevant tariff order issued by Commission.

Provided also that the standby charges shall be in addition to the applicable tariff on standby energy supplied by the Distribution Licensee to the GEOA Consumer.

### **23. Deviation Charges**

23.1. Scheduling of all transactions pursuant to grant of LTOA or MTOA or STOA shall be carried out on day-ahead basis in accordance with the relevant provisions of State Grid Code/ Commission's Orders for intra-State transactions.

23.2. Inter-State Transactions

The energy accounting and deviation computations and charges shall be governed by the applicable CERC Regulations.

23.3. Intra-State Transactions

23.3.1. All Open Access Customers shall be governed by the AERC (Deviation Settlement and Related Matters) Regulations, 2024 notified by the Commission and as updated and amended from time to time. They shall be liable to pay deviation charges as per aforesaid Regulations as case may be.

### **24. Reactive Energy Charges**

24.1. Open access customer shall be liable for payment of the reactive energy charges in accordance with the provisions stipulated in the State Grid Code.

24.2. SLDC shall be responsible for the accounting and the issue of the weekly statement for VAR charges to all entities.

### **25. Scheduling and System Operation Charges**

25.1. Scheduling and system operation charges shall be payable by the Open Access Customers for the following:

25.1.1. In respect of Inter-State Open Access

a) Charges for LTOA and MTOA

i. Regional Load Despatch Centre fees and charges including charges for the Unified Load Despatch and Communication Scheme as determined under the applicable CERC Regulations / Orders.

- b) Charges for STOA  
Regional Load Despatch Centre and SLDC fees and charges as specified by the applicable CERC Regulations/ Orders.

#### 25.1.2. In respect of Intra-State Open Access

- a) Charges for LTOA and MTOA
  - i. LTOA and MTOA customers shall be liable to pay SLDC fees and charges as determined by the Commission from time to time pursuant to applicable Tariff Order..
  - ii. This charge includes fee for scheduling and system operation, energy accounting, fee for affecting revisions in schedule on bonafide grounds and collection and disbursement of charges.
- b) Charges for STOA
  - i. A composite operating and scheduling charge @ Rs.5,000/- per day or part of the day shall be payable by a STOA customer for each transaction to the SLDC or as determined by the Commission from time to time.
  - ii. This charge includes fee for scheduling and system operation, energy accounting, fee for affecting revisions in schedule on bonafide grounds and collection and disbursement of charges.

### 26. Banking (Only applicable for GEOA Customers)

- 26.1. Banking facility shall be provided to the consumers availing Green Energy Open Access.
- 26.2. Banking shall be permitted on a billing cycle basis to GEOA Consumer on payment of charges to compensate additional costs, if any, to the distribution licensee.
- 26.3. The permitted quantum of banked energy by the GEOA consumers shall be at least 30% of total monthly consumption of electricity directly procured from the distribution licensee by the consumers. Electricity obtained through Open Access arrangements either from a third-party supplier or via captive generation utilising the distribution network, will be excluded from this calculation.
- 26.4. Provided that the credit for banked energy shall not be permitted to be carried forward to subsequent billing cycles and shall be adjusted during the same billing cycle.

Provided further that the un-utilised surplus banked energy shall be considered as lapsed at the end of each billing cycle and the Renewable Energy generating station shall be entitled to get

Renewable Energy Certificates to the extent of the lapsed banked energy.

- 26.5. Provided further that, the energy banked during peak period (as provided in the Tariff Order of Distribution Licensee) shall be permitted to be drawn during peak as well as off-peak (and normal) period (as provided in the Tariff Order of Distribution Licensee). However, the energy banked during off-peak (and normal) period shall be permitted to be drawn during off-peak (and normal) period only by paying the banking charges and from off-peak (and normal) period to peak period only by paying additional charges as may be specified by the Commission in addition to the banking charges.”
- 26.6. The Banking Charges shall be adjusted in kind @ 8% of the energy banked.
- 26.7. The banking facility including injection of surplus energy and drawal of banked energy shall be subject to scheduling. The injection of energy from Wind, Solar and other RE Generating Stations to the grid shall also be subject to scheduling subject to the limits specified in AERC (Deviation Settlement Mechanism and related matters) Regulations, 2024 as amended from time to time and relevant Orders of the Commission on different renewable energy based (Green Energy) projects.
- 26.8. In respect of consumers availing banking of power procured from generating plants set up under various Orders/ Regulations of the Commission including these regulations; following shall be the hierarchy of settlement of energy:

The Green Energy Open Access availed by the GEOA consumer from the different Green Energy generating plants having different mechanism for energy accounting and set-off of the energy simultaneously in the same time block and/or daily basis and/or monthly basis/billing cycle basis as the case may be in accordance with applicable Order/Regulations of the Commission, in such case the energy accounting is carryout by the SLDC /RLDC /Distribution Licensee for giving set-off as under:

- 26.9. The treatment for settlement of energy wheeled/transmitted under long-term open access, medium-term open access or short-term open access from the green energy generator shall be given as per the provisions of relevant Orders of the Commission on renewable energy generator under which such projects were set up or commissioned read with the wheeling/transmission services agreement with the licensee.



- 26.9.1. The priority for energy accounting purpose for the purchase of the Green Energy through LTOA/MTOA/STOA shall be as under:
- a) LTOA based purchased energy/wheeled energy at highest;
  - b) MTOA based purchased energy/wheeled energy after LTOA energy;
  - c) STOA based purchased energy/wheeled energy after MTOA energy;
  - d) Priority amongst same category of aforesaid open access cases FIFO (First in First Out) principle shall be followed.
- 26.9.2. The surplus energy after consumption set-off in a 15-minute time-block basis or daily basis is accounted as banked energy and the same shall be consumed by the consumer as per the provisions of these Regulations.
- 26.9.3. The banking facilities available and settlement of energy mechanism for different green energy generators will be in accordance with applicable order/notification/regulations of the Commission / Government Policy.
- 26.9.4. If the total energy generated from the different green sources cannot be accounted for and adjusted in the aforesaid manner, the surplus energy available has to be treated as lapsed energy eligible for REC's as specified in these Regulations for the projects qualified under this regulation. While in case of projects which are commissioned prior to Notification of these regulations, the treatment for surplus energy shall be as per the provisions of the relevant regulation/ Commission's Order / Government notification, read with transmission services and/or wheeling agreement between the parties.
- 26.10. The GEOA consumers opting for banking facility shall have to provide intimation to the concerned State Nodal Agency atleast one billing cycle in advance.

**27. Other Charges**

The Regulatory charges, congestion charges and any other charges imposed by CERC and/or the Commission, in accordance with prevailing Acts, Regulations, Orders and Policies, etc levied by the State Government shall be payable by all the open access customers.

## **Chapter – V**

### **Scheduling, Metering and Losses**

#### **28. Scheduling**

- 28.1. Notwithstanding anything contained in the succeeding Regulations of this Regulation, scheduling of inter-State Open Access transactions shall be as per applicable CERC Regulations.
- 28.2. Subject to the foregoing Regulation, intra-State Open Access transactions in respect of all Open Access Customers, irrespective of the capacity, shall be scheduled by SLDC in accordance with the provisions of the State Grid Code and these Regulations.
- 28.3. The embedded open access consumer shall have to declare their schedule by 7:30 AM of the previous day, showing the drawal from the DISCOM and through open access, separately, to the SLDC and DISCOM.

#### **29. Metering**

- 29.1. In case of all open access customers irrespective of capacity, ABT compatible Special Energy Meters or any other necessary infrastructure shall be developed for Energy Accounting by the transmission or distribution licensee, as the case may be, at the cost of the customer. Also, necessary infrastructure shall be developed for real time monitoring which might involve installation of RTU and necessary communication infrastructure by the transmission or distribution licensee, as the case may be, at the cost of the customer. The data from SEM may be used for real time monitoring in addition to energy accounting. However, in case real time data telemetry has been established from BCU or MFM, the same shall be considered sufficient from real time monitoring aspect (Analog data portion). Along with Analog, Digital data shall also need to be established. In case an existing customer has not availed Open Access for more than two (2) years, the system installed for Energy Accounting and Real time Monitoring at SLDC and GSS may be decommissioned by the transmission or distribution licensee, as the case may be, at the cost of the customer. SLDC shall validate the data pertaining to real time monitoring and energy accounting before allowing Open access.
- 29.2. Special Energy Meters installed shall be capable of time-differentiated measurements for time-block-wise active energy and voltage differentiated measurement of reactive energy in accordance with the State Grid Code and IEGC.
- 29.3. Special Energy Meters shall always be maintained in good condition and shall be open for inspection by any person authorized by the STU, SLDC or the distribution licensee.
- 29.4. The Meters shall be periodically tested and calibrated by STU / distribution licensee as per State Grid Code and norms of Central Electricity Authority.

- 29.5. Readings of Meters shall be taken periodically at appointed day and hour by the officer of distribution licensee authorized in this regard as per procedure specified in State Grid Code, IEGC and AERC (Electricity Supply Code and Related Matters) Regulations, 2017 as amended from time to time.
- 29.6. The procedure for joint sealing, replacement of defective meter, billing in the event of meter(s) becoming defective shall be followed as laid down in the State Grid Code. Open Access shall remain suspended after detection of such defect, until such time the defect is rectified.
- In the matter of whether both the main and check meters should be in good condition at all times to allow OA, it is clarified that in case, any one of meters connected to OA consumers, whether main or check meter goes out of order, immediately on detection, the consumer should be asked to replace/rectify the defective meter within a period of one month from the date of notice. If the defective meter is not replaced within the month, then OA should not be allowed to continue.
- 29.7. All the Open Access Customers shall abide by the metering standards defined in CEA (Installation and Operation of Meters) Regulations' 2006, notified by the Central Electricity Authority (CEA) vide its notification dated 17 March, 2006, as amended from time to time.
- 29.8. The specific metering requirements in case of dedicated feeder and mixed feeder shall be provided in Detailed Procedure.

### **30. Energy Losses**

#### **30.1. Inter-State Open Access**

- 30.1.1. LTOA and MTOA: The buyer / seller of electricity shall bear apportioned energy losses in the transmission system in accordance with the provisions specified in the applicable CERC Regulations.
- 30.1.2. STOA: The buyers / sellers of electricity shall absorb apportioned energy losses in the transmission system in accordance with the provisions specified in the applicable CERC Regulations.

#### **30.2. Intra-State Open Access**

The transmission and distribution losses for the Intra-State System as determined by the Commission in its Tariff Order for the applicable year, shall be apportioned in proportion to the actual energy drawn by the Open Access Consumer and shall be accounted for accordingly.

### **31. Energy Accounting**

- 31.1. SLDC shall be responsible for energy accounting for all open access customers.
- 31.2. SLDC shall maintain the time block wise consumption record of the special energy meters installed against each open access

customer on weekly basis and upload the same in their website. Energy accounting statement on monthly basis should also be sent to the Central Nodal Agency/ State Nodal Agency(s) as applicable, open access customers and transmission and distribution licensees via e-mail and published in their website.

- 31.3. For Inter-state Open Access Transactions, SLDC shall co-ordinate with the respective RLDC, as necessary, for the purpose of energy accounting. Energy accounting shall be as per the applicable CERC Regulations.

## **Chapter – VI – Commercial Matters**

### **32. Billing, Collection and Disbursement**

Billing in respect of the charges payable under these Regulations, shall be made as per the following procedure:

#### **32.1. Short Term Open Access:**

32.1.1. Collection and disbursement of transmission charges for use of intra-state transmission systems and operating charges payable to SLDC towards STOA shall be made by the STU in accordance with the procedure specified by the applicable AERC Regulations.

However, collection and disbursement of charges for use of inter-state transmission system shall be as per applicable CERC regulations.

32.1.2. In case of collective transactions, the transmission charges for the State network and operating charges for the SLDC shall be settled directly by the Power Exchange with the respective SLDC.

32.1.3. Reactive Energy Charges shall be billed and collected by the SLDC.

32.1.4. The bill for use of the Distribution System for wheeling of electricity in its network shall be payable to the Distribution Licensee by the entity to whom the Open Access is granted on monthly basis, and shall include the following, whichever s applicable:

- i. Wheeling Charges;
- ii. Cross-Subsidy Surcharge;
- iii. Additional Surcharge;
- iv. Standby Charges, wherever applicable;
- v. Any other applicable Charges, Taxes & Duties

#### **32.2. Long Term Open Access and Medium-Term Open Access:**

32.2.1. Billing, collection and disbursement of charges payable to CTU & RLDC including Unified Load Despatch and Communication Scheme shall be in accordance with the procedure specified in the applicable CERC Regulations.

32.2.2. Bills towards the charges payable to SLDC and STU shall be prepared by SLDC and submitted to STU by 5<sup>th</sup> of the of the succeeding calendar month. The bills shall be raised by the STU to the Open Access Customer connected to STU, within 3 days of receipt from SLDC..

32.2.3. Open Access Customer connected to the STU shall pay the bills within 5 working days of receipt of the bill.

32.2.4. For use of distribution network, the procedure prescribed in Regulation 32.1.4 of these Regulations shall apply.

Provided that the embedded consumers shall pay the fixed charges and energy charges (for the quantum of energy drawn from the distribution licensee) and other charges as applicable, in accordance with the tariffs determined by the Commission for the relevant year and billed by the distribution licensee.

### **33. Late Payment Surcharge**

In case the payment of any bill for charges payable under these Regulations is delayed by an Open Access Customer beyond the due date, without prejudice to any action under the Act or any other Regulation there under, a late payment surcharge at the rate of 1.50% per month or part thereof shall be levied.

### **34. Default in Payment**

- 34.1. Non-payment of any charge or sum of money payable by the Open Access Customer, Licensee and /or SLDC under these Regulations (including deviation charges) shall be considered non-compliance of these Regulations and shall be liable for action under section 142 of the Act in addition to action under section 56 of the Act. The STU or any other transmission licensee or a distribution licensee may discontinue Open Access after giving Customer an advance notice of seven working days, without prejudice to its right to recover such charges by suit.
- 34.2. In case of default in payment of any charges, the State Load Despatch Centre may refuse to schedule power to the defaulting Open Access Customer and direct the licensee concerned to disconnect such Consumer from the grid.

### **35. Payment Security Mechanism**

#### **35.1. For LTOA & MTOA Customer**

- 35.1.1. As a payment security towards transmission charges, open access customer shall deposit an amount equal to 3 months of the transmission charges for allotted open access transmission capacity with the STU.
- 35.1.2. As a payment security towards SLDC charges, open access customer shall deposit an amount equal to 3 months of the SLDC fee and charges including scheduling and operating charges for allotted transmission/distribution capacity, as applicable with the SLDC;
- 35.1.3. As a payment security towards wheeling charges, cross subsidy surcharge and additional surcharge, a deposit equal to 3 months of billing for these charges for allotted distribution capacity shall be maintained with the Distribution Licensee of the area of supply;

Provided that power factor (0.85) shall be considered for the purpose of unit conversion from MVA/KVA to MW/KW or vice versa.



Provided further that, in case of an existing open access customer availing open access for more than a financial year, security shall be revised on the basis of average monthly open access charges of the previous financial year.

- 35.1.4. Such security shall be in the form of demand draft / digital mode of payment.

**35.2. For Short Term Open Access Customer**

- 35.2.1. An open access customer shall pay the transmission charges, SLDC charges, wheeling charges, cross subsidy surcharge, additional surcharge, and such other charges as applicable, in a manner as laid down in these Regulations.
- 35.2.2. The other commercial conditions for transmission charges, wheeling charges and scheduling & system operation charges such as terms of payment, creditworthiness, indemnification and force majeure conditions shall be as provided in the detailed procedure.

**36. Adjustment of Energy**

- 36.1. The priority of adjustment of energy drawal by an open access customer from different sources shall be as per the following sequence of reducing priority and shall be implemented for each time block:
- i. Renewable Energy/ Green Energy generation;
  - ii. Captive Generation Plant;
  - iii. Banked Energy to be settled in defined time block
  - iv. Long Term Bilateral purchase;
  - v. Medium Term Open Access;
  - vi. Short term inter-State open access including Power Exchange Transaction;
  - vii. Short term intra-State open access;
  - viii. Distribution Licensee.

## **CHAPTER VII INFORMATION SYSTEM**

### **37. Information System**

37.1. The State Nodal Agency shall create a separate webpage for “green energy open access” and “other than green energy open access” on its authorized website. The said webpage(s) will provide the following information (in downloadable formats usable in excel/pdf, etc., as applicable) within 3 months of the notification of these Regulations. These will be updated by State Nodal Agency on monthly and annual basis. If this requires collation from other relevant agencies and departments, the State Nodal Agency shall coordinate with them and other departments and agencies shall provide full support in this exercise. The State Nodal Agency shall provide such details in Detailed Procedure. It will also provide information to the Commission in desired formats on monthly and annual basis. The said information shall include the following separately and/or jointly for green energy and other than green energy, wherever applicable:

- i. The form of application, the procedure and manner of making the application, and the fee required, separately for;
- ii. The form of the Open Access Agreement;
- iii. Schedule of all the applicable charges for open access and average loss in the transmission system as determined by the licensee/s on a monthly basis, and distribution loss as determined by the Commission in its respective tariff order.;
- iv. Floor rate for bidding in case of congestion;
- v. Peak load flows on EHV;
- vi. A status report on the current LTOA, MTOA and STOA customers indicating:
  - a) Name of customer;
  - b) Period of Open Access granted (date of commencement and date of termination);
  - c) Point(s) of injection; Point(s) of drawal; Supply voltage at injection and drawal points; and
  - d) Extent of Open Access approved;
  - e) Type of Open Access – Green / other than green
- vii. List of Open Access Applications, with date of receipt, date of application admitted, action taken and status;
- viii. Details of rejected open access applications with reasons.;
- ix. State Nodal Agency shall also upload on its website details of availability of the generators, schedule given by the Distribution Licensee / open access customers, and transmission constraints, if any, on a daily basis.

37.2. The information shall be updated upon every change in status. All previous reports shall be available in the web - archive.

- 38.** Open Access customer shall have the requisite communication systems in place to facilitate seamless communication of data/orders/information to/from the generator place to State Nodal Agency, SLDC (State Load Despatch Centre) and any other entity and from consumer place to distribution licensees on real time basis.

Provided that the data of generators having collective capacity of 1 MW and above shall be utilized by the State Nodal Agency (SLDC) for energy accounting and real time grid management.

Provided further that the data of GEOA consumer consists of the generators and the consumer of 100 kW to 1 MW shall be utilized by the State Load Despatch Centre (SLDC) who is also working as Load Management Unit (LMU) for energy accounting and real time load management grid management.

- 39.** The State Nodal Agency shall evaluate the requirements of Central Nodal Agency regarding information systems and information requirements and provide the same in consonance with above in the Detailed Procedure.

## **CHAPTER VIII**

### **SUBMISSION OF DETAILED PROCEDURE**

#### **40. Detailed Procedure**

- 40.1. Subject to the provisions of these Regulations, the concerned State Nodal Agency shall submit the detailed procedure within 60 days of notification of these Regulations in the Official Gazette to the Commission for approval. The Detailed procedure shall be prepared separately for green energy open access and other than green energy open access, if required.

Provided that prior to submitting the detailed procedure to the Commission for approval, the concerned State Nodal Agency shall make the same available to the public and invite comments by putting the draft detailed procedure on its website and giving a period of 21 days to submit comments;

Provided further that while submitting the detailed procedure to the Commission, the concerned State Nodal Agency shall submit a statement indicating as to which of the comments of stakeholders have not been accepted by it along with reasons thereof.

In case of green energy open access, the concerned State Nodal Agency shall study the procedure and role for Central Nodal Agency and centralized portal as mentioned in Regulation 9.1.1 and incorporate relevant provisions in the Detailed procedure to provide detailed understanding and avoid any hassles in application and coordination to the GEOA customers.

- 40.2. The detailed procedure submitted by the concerned State Nodal Agency shall, in particular, include—
- 40.2.1. The proforma for application of LTOA and MTOA and LTOA/ MTOA standard agreements,
  - 40.2.2. Any other issues, including Bank Guarantee for construction, payment mechanisms for application fee, etc. necessary for implementation of these Regulations.
  - 40.2.3. Detailed procedures, process and steps for application processing along with timelines and Process Flowchart
  - 40.2.4. Formats for STOA transactions such as
    - i. Application for STOA,
    - ii. Approval of STOA,
    - iii. Schedule of Payments,
    - iv. Congestion Information and Invitation of bidding, etc.
  - 40.2.5. Any other information and formats as may be required to ensure and ease compliance of these Regulations by all relevant agencies and open access customers.

**CHAPTER IX**  
**MISCELLANEOUS**

**41. Under-Utilisation or Non-Utilisation of Open Access Capacity in Intra-State Transmission and/ or Distribution System**

41.1. A LTOA Customer may relinquish the LTOA rights fully or partly before the expiry of the full term of LTOA, by making payment of compensation for stranded transmission and/ or distribution capacity as follows:

**A. LTOA Customer who has availed open access rights for at least 7 years**

41.2. Notice of one (1) year — If such a Customer submits an application to the State Nodal Agency at least 1 (one) year prior to the date from which such Customer desires to relinquish the access rights, there shall be no charges.

41.3. Notice of less than one (1) year — If such a Customer submits an application to the State Nodal Agency at any time lesser than a period of 1 (one) year prior to the date from which such Customer desires to relinquish the access rights, such Customer shall pay an amount equal to 66% of the estimated transmission charges and / or wheeling charges (in terms of net present value) for the stranded transmission and/ or distribution capacity, as applicable, for the period falling short of a notice period of one (1) year.

**B. LTOA Customer who has not availed access rights for at least 7 (seven) years**

41.4. Such Customer shall pay an amount equal to 66% of the estimated transmission and/ or wheeling charges (in terms of net present value) for the stranded transmission and/ or distribution capacity, as applicable, for the period falling short of 7 (seven) years of access rights:

Provided that such a Customer shall submit an application to the State Nodal Agency at least 1 (one) year prior to the date from which such Customer desires to relinquish the access rights:

Provided further that in case a Customer submits an application for relinquishment of LTOA 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 charges and/or wheeling charges (in terms of net present value) for the stranded transmission and/or distribution capacity, as applicable for the period falling short of 7 (seven) years of access rights.

41.5. The discount rate that shall be applicable for computing the net present value as referred in Regulations 41.3 and 41.4 above, shall be the discount rate to be used for bid evaluation in the CERC notification, issued 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, Government of India.

41.6. The compensation paid by the LTOA Customer for the stranded transmission capacity shall be used for reducing transmission charges payable by other LTOA Customers in the year in which such compensation payment is due in the ratio of transmission charges payable for that year by such LTOA Customers.

**C. Medium-term Open Access Customers**

41.7. A MTOA Customer may relinquish rights, fully or partly, by giving at least 30 days prior notice to the State Nodal Agency:

Provided that the MTOA Customer relinquishing its rights shall pay applicable transmission and/or wheeling charges for the period of relinquishment or 30 days whichever is lesser.

**D. Short-term Open Access Customer**

41.8. The STOA schedules accepted by the State Nodal Agency in Advance basis may be cancelled or revised downwards on an application to that effect made to the State Nodal Agency by the STOA Customer:

Provided that such cancellation or downward revision of the STOA schedules shall not be effective before expiry of a minimum period of two (2) days from the date of application:

Provided further that the day on which notice for cancellation or downward revision of schedule is served on the State Nodal Agency and the day from which such cancellation or downward revision is to be implemented, shall be excluded for computing the period of two (2) days.

41.9. The STOA customer seeking cancellation or downward revision of schedule shall pay the transmission and/or wheeling charges for the first two (2) days of the period for which the cancellation or downward revision of schedule, as the case may be, has been sought, in accordance with the schedule originally approved by the State Nodal Agency, and thereafter in accordance with the revised schedule prepared by the State Nodal Agency during the period of such cancellation or downward revision.



- 41.10. In case of cancellation, operating charges specified in these Regulations shall be payable for two (2) days or the period of cancellation, whichever is less.

#### **42. Computation of Capacity Availability for Open Access**

- 42.1. The capacity available for the Open Access shall be computed for each transmission segment and for every sub-station by the STU following the methodology given below:

- 42.1.1. Available Open Access capacity of a transmission system segment: =

$$(DC-SD-AC) + (NC - ND)$$

where,

DC=Designed capacity of the transmission segment in MW,

SD = Sustained demand (peak load experienced) in MW recorded in the segment,

AC = Already allotted capacity, but not availed in MW,

NC = New capacity in MW expected to be added; and

ND = New Demand expected to be added.

- 42.1.2. Available Open Access capacity of a sub-station:

$$(TC-SP-AC) + (NC - ND)$$

where,

TC = Transformer capacity of the sub-station in MVA,

SP =Sub-station peak in MVA,

AC = Already allotted capacity but not availed in MVA

NC = New transformer capacity in MVA expected to be added; and

ND = New Demand expected to be added.

- 42.1.3. The STU shall update these values on monthly basis on the first calendar day of the month and publish it in its website and same shall be sent to State Nodal Agency for publication on its open access portal.

- 42.2. The appropriate distribution licensee shall determine the available capacity for allotment for the portion of the distribution system over which Open Access has been requested for.

#### **43. Curtailment Priority**

- 43.1. The SLDC may curtail power flow on any transmission corridor by cancelling or rescheduling any transaction, if the situation

demands in case of exigency for maintaining the stability of the grid and grid security. However, in all such cases of cancellation or curtailment, the SLDC shall, as soon as practicable, intimate in writing to the customer the reasons for the same.

43.2. Subject to provisions of the State Grid Code/ IEGC, cancellation/curtailment will be effected as under:

43.2.1. STOA of other than green energy will be cancelled or curtailed first, followed by STOA of green energy,

43.2.2. Next, MTOA of other than green energy, followed by MTOA of green energy shall be curtailed,

43.2.3. Next, LTOA of other than green energy, followed by LTOA of green energy.

43.2.4. Among short term transactions, bilateral transaction will be cancelled or curtailed first, followed by collective transactions.

43.2.5. Open Access to a distribution licensee will be the last to be curtailed within a category.

43.2.6. Curtailment will be effected on a pro-rata basis amongst the Customers of a particular category, all the open access customers of green energy within a particular category shall have equal priority.

43.3. In case of curtailment of the approved schedule by the SLDC, transmission and wheeling charges shall be payable pro-rata in accordance with the curtailed schedule.

43.4. Full operating charges like SLDC fee and transaction charges specified in these Regulations will be payable irrespective of curtailment, if any.

#### **44. Quantum Of Renewable Energy Purchase Obligation (RPO)**

Each Open Access Customer shall fulfill its RPO as per Assam Electricity Regulatory Commission (Renewable Energy Purchase Obligation and its Compliance) Regulations, 2010 and as amended from time to time. The RPO shall be met by Open Access Customers either by purchase of electricity (in kWh) from renewable sources or by purchase of Renewable Energy Certificate(s) (RECs) from the Power Exchange(s).

#### **45. Redressal Mechanism**

45.1. All disputes and complaints regarding open access shall be first referred to the concerned State Nodal Agency which may endeavour to resolve the grievance within 7 working days.

45.2. No application for open access shall be denied unless the applicant has been given an opportunity of being heard in the matter and all orders denying open access shall be speaking orders by the concerned State Nodal Agency.

45.3. If not satisfied by the resolution, the Open Access customer can approach Grid Code Management Committee constituted under

the State Grid Code within 7 working days from decision of State Nodal Agency. The Committee shall investigate and shall resolve the grievance within 30 days; and if the Committee is unable to redress the grievance, it shall be referred to the Commission by the Committee.

- 45.4. If the Open Access Customer is aggrieved or not satisfied with the decision of the Grid Code Management Committee, within 7 working days, he may appeal before the Commission for adjudication of the matter. The Commission shall dispose the Appeal within a period of three months and the order issued by it, shall be binding on the parties.

Provided that such appeal shall be accompanied by a fee as specified in the Assam Electricity Regulatory Commission (Payment of Fees) Regulations, 2024, as amended from time to time.

**46. Roles and Responsibility of SLDC**

- 46.1. Every licensee, generating company, generating station, sub-station and any other person connected with the operation of the power system shall comply with the directions issued by the State Load Despatch Centre.
- 46.2. The State Load Despatch Centre may give such directions and exercise such supervision and control as may be required for ensuring the integrated grid operations.
- 46.3. The consumers are required to take necessary action whenever the telemetry system fails to report to SLDC. SLDC shall take necessary action against the defaulting OA consumers who failed to conform to the basic requirements, after giving written notice of 7 days to them.
- 46.4. If any licensee, generating company or any other person fails to comply with the directions issued under sub-section (1), he shall be liable to a penalty as per Section 33 sub-section (5) of the Act.

**47. Compliance of Grid Code, Distribution Code, Regulations, Orders etc.**

Open Access customers shall abide by the State Grid Code, Distribution Code and all other Codes and Standards, DSM Regulations and other Regulations and Orders of the Commission/CERC as applicable from time to time.

**48. Inconsistency between documents:**

Whenever there is inconsistency between the provisions of the Government Policy, Commission Order, Regulations, rules and Act in such cases the prevailing provisions shall be as under:

- i. Provisions of Act shall prevail over the other provisions, Rules, Regulations, Orders and Government Policy(ies),
- ii. The provisions of Rules shall prevail over provisions, Regulations, Orders and Government Policy(ies),

- iii. The provisions of Regulations prevail over order and Government Policy(ies), and;
- iv. The provisions of Order shall prevail over the Government Policy(ies).

**49. Repeal and Savings**

- 49.1. Save as otherwise provided in these Regulations, the AERC (Terms and Conditions for Open Access) Regulations, 2018 and all subsequent amendments thereto shall stand repealed.
- 49.2. These regulations shall have over-riding effect on the regulations 9(e ) (Banking) and 9(f) (OA Charges) of the AERC (Co-generation and Generation of Electricity from Renewable Sources of Energy) Regulations, 2015.
- 49.3. Anything done or any action taken or required to be taken or purported to have been done or taken or permission granted, or any document or instrument executed, or any direction given under the repealed Regulations/Orders passed by the Commission shall, in so far as it is not inconsistent with the provisions of these Regulations, be deemed to have been done or taken under the corresponding provisions of these Regulations,

**50. Issue of Suo-moto Orders and Directions**

The Commission may from time-to-time issue suo-moto orders and practice directions with regard to implementation of these Regulations and matters incidental or ancillary thereto, as the case may be.

**51. Power to relax**

The Commission may by general or special order, for reasons to be recorded in writing, and after giving an opportunity of hearing to the parties likely to be affected, may relax any of the provisions of these Regulations on its own motion or on an application made before it by an interested person.

**52. Powers to Remove Difficulties**

If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may by general or special order, not inconsistent to the provisions of Act and these regulations, direct State Nodal Agency, the State Transmission Utility, State Load Despatch Centre, distribution licensees and the Open Access Customers, to take such action, as may appear to the Commission to be necessary or expedient for the purpose of removing difficulties.

**53. Power to Amend**

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

**54. Power to Intervene**

In case of any unethical practice by any person including an Open Access Customer, through power injection or drawal or change of status, the Commission may, by order, issue necessary directions which shall be binding on all parties concerned.

**ASHOK KUMAR BARMAN (RETD.),**  
Secretary,  
Assam Electricity Regulatory Commission.