

UERC (Terms and Conditions for Open Access in Distribution) Regulations, 2004

Uttaranchal Electricity Regulatory Commission

80, Vasant Vihar, Phase - 1
Dehradun - 248006

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Uttaranchal Electricity Regulatory Commission

Notification

June 8, 2004

No. F9(5)/RG/UERC/2004/342 In exercise of powers conferred under sub-section (2) of section 42 of the Electricity Act, 2003, and all other powers enabling it in this behalf, and after previous publication, the Uttaranchal Electricity Regulatory Commission hereby makes the following regulations, namely.

1. Short Title and Commencement

- (1) These Regulations may be called the Uttaranchal Electricity Regulatory Commission (Terms and Conditions for Open Access in Distribution) Regulations, 2004.
- (2) These Regulations extend to the whole of the State of Uttaranchal.
- (3) These Regulations shall come into force from 08.06.2004.

2. Definitions

Unless the context otherwise requires:

- (1) 'Act' means the Electricity Act, 2003 (36 of 2003).
- (2) 'Commission' means the Uttaranchal Electricity Regulatory Commission.
- (3) 'State' means the State of Uttaranchal.
- (4) Words or expressions used in these Regulations and not defined herein but defined in the Electricity Act, 2003 shall have the meaning assigned to them under the Electricity Act, 2003.

3. Extent of application

These regulations shall apply in entire State of Uttaranchal.

4. Eligibility for Open Access in Distribution and Conditions to be Satisfied

- (1) The consumers shall be eligible for open access in accordance with the phasing for introduction of open access as provided under regulation 5 herein and further subject to the

absence of operational constraints in the System and also the payment of the wheeling charges as may be determined by the Commission from time to time.

Provided that such open access by a consumer, including the conveyance or wheeling of electricity required for supply to such consumer, in the area of supply of a Distribution Licensee in the State, shall be subject to payment of a surcharge and additional surcharge as may be determined by the Commission as provided under sub-section (2) and sub-section (4) of section 42 of the Act.

5. Phasing of Open Access

- (1) Open access shall be allowed in the following phases subject to the absence of operational constraints and having regard to other relevant factors:

S.No	Phase	Capacity sought to be allocated by the Open Access Consumer	Date by which open access shall be allowed
1.	Phase 1	5 MW and above	December 31, 2005
2.	Phase 2	3 MW and above	December 31, 2007
3.	Phase 3	Above 1 MW	December 31, 2008

- (2) The Commission may require the distribution licensee to provide open access to consumers with capacity requirement equal to or less than 1 MW at any time after 31.12.2008 as it may consider feasible having regard to operational constraints and other factors.

6. Allotment Priority

Open access shall be provided on the basis of first come first serve.

7. Available Capacity

The availability of capacity in the System including the existence or absence of operational constraints affecting the open access being allowed shall be determined by the Distribution Licensee after considering the application of the person seeking the open access.

Explanation:

For the purpose of this Regulation, the operational constraints in the System shall include the availability of the adequate capacity in the System, appropriate metering and energy accounting

system so that the electricity to be wheeled can be correctly measured and accounted for and such other things.

8. Procedure for Grant of Open Access

- (1) The persons seeking open access shall apply to the concerned Distribution Licensee.
- (2) The application shall contain details regarding maximum power to be wheeled in the system at any point of time, number of units to be wheeled, the point of injection, the point of drawal, duration & hours of availing open access and accordingly the capacity in the system to be earmarked for the applicant and any other additional information that may be required by the concerned Distribution Licensee.
- (3) The Distribution Licensee shall, if necessary in consultation with State Transmission Utility and State Load Dispatch Centre, assess the capacity available and the existence or absence of operational constraints in permitting open access and communicate the decision to the applicant within 45 days of the receipt of the application.
- (4) The Distribution Licensee shall decide on the capacity available or the existence of operational constraints consistent with these Regulations and such principles and guidelines, if any, as may be issued by the Commission from time to time.
- (5) In case open access can be provided without any further system strengthening, the Distribution Licensee shall intimate approval of open access to the applicant within 45 days of the receipt of the application.
- (6) Where the Distribution Licensee is of the opinion that open access cannot be allowed without system strengthening or because of other operational constraints, the Distribution Licensee shall identify the scope of such additional work for the system strengthening and removal of operational constraints, the estimated cost and the probable date from which the open access can be allowed after carrying out the requisite works and the applicant shall be informed accordingly, within 90 days of receipt of the application.

9. Non-utilisation of open access capacity contracted for

- (1) In the event of under-utilisation of the capacity contracted under open access, consumers may surrender a part of the capacity subject to such conditions as may be laid down for this purpose.

- (2) In the event of under-utilisation of the capacity contracted by the open access consumer, the concerned Distribution Licensee may ask the consumer to provide an explanation for such under-utilisation and may thereafter cancel or reduce the capacity allocated to the consumer under open access after notifying the consumer.
- (3) In case of cancellation or reduction of capacity allocated, the issue whether any compensatory charges are to be paid or not shall be settled between the parties concerned.

10. Applicable Charges

- (1) The open access consumers shall pay the wheeling charges, surcharges, additional surcharges or such other charges as the Commission may determine from time to time in exercise of its regulatory powers under the Act.
- (2) The Commission, while determining the charges for open access, may provide for adjustment of losses in the system either in terms of money or in the quantum of electricity as the Commission considers to be appropriate.

11. Other Conditions

- (1) The open access consumer shall abide by the Indian Electricity Grid Code, the State Grid Code and instructions given by State Transmission Utility, the State Load Dispatch Centre and other authorities from time to time.
- (2) The open access consumer shall abide by all applicable Regulations, Directions, Guidelines and Orders of the Commission made from time to time.

12. Savings

- (1) Nothing in these Regulations shall be deemed to limit or otherwise affect the power of the Commission to make such orders as may be necessary to meet the ends of justice.
- (2) Nothing in these regulations shall bar the Commission from adopting in conformity with provisions of the Act, a procedure which is at variance with any of the provisions of these regulations, if the Commission, in view of the special circumstances of a matter or a class of matters, deems it just or expedient for deciding such matter or class of matters.
- (3) Nothing in these regulations shall, expressly or impliedly, bar the Commission dealing with any matter or exercising any power under the Act for which no regulations have been

framed, and the Commission may deal with such matters, powers and functions in a manner, as it considers just and appropriate.

13. 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 give directions, not being inconsistent with the Act, which appears to the Commission to be necessary or expedient for the purpose of removing difficulties.

14. Power to Amend

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

By order of the Commission

(Anand Kumar)

Secretary

Uttaranchal Electricity Regulatory Commission