



# Punjab Government Gazette

## EXTRAORDINARY

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PUNJAB STATE ELECTRICITY REGULATORY COMMISSION

### NOTIFICATION

The 15th February, 2019

**No. PSERC/Secy/Regu/138.-** In exercise of the powers conferred under Section 42 read with Section 181 of the Electricity Act, 2003 (Central Act 36 of 2003) and all powers enabling it in this behalf and after previous publication, the Punjab State Electricity Regulatory Commission hereby makes the following Regulations to amend the Punjab State Electricity Regulatory Commission (Terms & Conditions for intra-State Open Access) Regulations, 2011 including the first to seventh amendments thereof (hereinafter referred as “the Principal Regulations”) namely:-

#### 1. Short Title and Commencement:

- (1) These regulations shall be called the Punjab State Electricity Regulatory Commission (Terms and Conditions for intra-State Open Access) (8th Amendment) Regulations, 2019.
- (2) These Regulations shall come into force from the date of their notification in the official gazette of the State.

#### 2. Amendment in Regulation 2 of the Principal Regulations – Extent of Application

The following proviso shall be added to Regulation 2 of the Principal Regulations:

“Provided that the deviation settlement and other applicable matters for Wind and Solar Generating Stations, shall be as specified in the Punjab State Electricity Regulatory Commission (Forecasting, Scheduling, Deviation Settlement and Related Matters of Solar and Wind Generation Sources) Regulations, 2019, as amended from time to time.”

#### 3. Amendments in Regulation 3 of the Principal Regulations – Definitions

- i) In Regulation 3(1) of the Principal Regulations, following definitions shall be substituted as under:
  - c) **“Applicant”** means a consumer, an electricity trader, distribution licensee or a generating company/station (including a captive generating plant) who has applied for open access including connectivity, if not already connected;
  - o) **“Long-term access”** means the right to use the intra-State transmission system or distribution system for a period exceeding seven (7) years or as may be notified by the Central Commission from time to time;

- p) **“Medium-term open access”** means the open access for a period equal to or exceeding three (3) months but not exceeding five (5) years or as may be notified by the Central Commission from time to time;
- t) **“Open access customer”** means an applicant who has been granted open access under these regulations;
- ii) In Regulation 3(1) of the Principal Regulations following new definitions shall be added as under:
- (ww) **“Standby contract demand”** means the maximum demand in kVA contracted by the open access customer under Standby power agreement with the distribution licensee of his area of supply;
- (www) **“Standby power”** means power required in case of outage(s) of the generator from which the open access customer is drawing power;
- iii) Regulation 3(2) of the Principal Regulations shall be substituted as under:
- “3 (2) Save as aforesaid and unless repugnant to the context or the subject-matter otherwise required, words and expressions used in these regulations and not defined, but defined in the Act, or the Central Commission’s regulations or any other regulation of this Commission shall have the meaning assigned to them respectively in the Act or the Central Commission’s regulations or any other regulations of this Commission.”

#### 4. **Amendment in Regulation 4 of the Principal Regulations – Connectivity**

In Regulation 4 of the Principal Regulations, the words “Conditions of Supply of the licensee approved by the Commission” shall be substituted with words “Supply Code 2014 as amended from time to time”.

#### 5. **Amendment in Regulation 9 of the Principal Regulations – Application and procedure for Connectivity to distribution system by any person**

In Regulation 9 of the Principal Regulations, the words “Supply Code and Conditions of Supply approved by the Commission” shall be substituted with words “Supply Code 2014 as amended from time to time”.

#### 6. **Amendment in Regulation 18 of the Principal Regulations – Procedure for Short-term Open Access**

Regulation 18(2)(g) of the Principal Regulations stand deleted.

#### 7. **Amendment in Regulation 23 of the Principal Regulations – Transmission Charges**

In Regulation 23(2)(b) of the Principal Regulations, the words “132/220 kV” shall be substituted with words “132 kV and above”.

#### 8. **Amendment in Regulation 25 of the Principal Regulations – Wheeling Charges**

Regulation 25(5) of the Principal Regulations shall be substituted as under:

“25(5) Wheeling charges for usage of distribution network of the distribution licensee for wheeling of electricity shall be as determined by the Commission in the Tariff Order for that year.”

#### 9. **Amendment in CHAPTER 5 of the Principal Regulations - OPEN ACCESS CHARGES**

The following new Regulations i.e. 27A and 27B shall be added after Regulation 27 of the Principal Regulations:

##### **“27A Standby charges**

- 1) Standby power shall be provided on request to the Open Access Customer, by the distribution licensee of his area of supply, subject to load shedding as is applicable to the embedded consumers of the licensee.

Provided that the Open Access Customer enters into an agreement with the distribution licensee for such demand. The distribution licensee shall prepare a model agreement within one (1) month of notification of these regulations and shall take the Commission's approval for the same. Existing Open Access Customers requiring Standby power shall be required to execute the supplementary agreement within one (1) month of the approval of the model agreement by the Commission.

Provided further that Open Access Customers would have the option to arrange Standby power from any other source subject to the condition that such power shall be drawn through the same system for which open access has been granted.

- 2) Standby power shall be made available at 11 kV or higher voltage as specified in the 'Supply Code 2014', as amended from time to time and applicable voltage surcharge/ rebate shall be levied /allowed.

Provided that the Open Access Customer, who is not a consumer of the licensee, shall have to establish, operate and maintain the required interconnecting infrastructure at his cost.

- 3) Standby power shall be admissible for the maximum period of 42 days in a financial year. The drawal of Standby power during any time block(s) of a day shall be counted as one day. Provided that the maximum demand that can be contracted under Standby power shall not exceed the capacity allowed under the Open Access.
- 4) Wherever an agreement for Standby power exists between the Open Access Customer and the distribution licensee of his area of supply, he shall be required to pay to the distribution licensee a charge equal to Rs. 35 per kVA per month or part thereof or as may be decided by the Commission from time to time, towards commitment charges on the capacity (in kVA) contracted as Standby demand from the distribution licensee. The commitment charges shall apply uniformly every month commencing from the date of applicability of the agreement, irrespective of whether the Open Access Customer avails Standby power or not.
- 5) For actual drawal of Standby power, in addition to the commitment charges, the Open Access Customer shall also be required to bear charges (including demand surcharge, whenever chargeable) as specified in the Schedule of Tariff for Temporary Supply of relevant category corresponding to the demand slab of total of Standby contract demand and Sanctioned CD (if any).

Provided that in case where Temporary Supply schedule of relevant category is not available, the Standby power shall be provided by the distribution licensee on payment of charges as per Schedule of Tariff for Temporary Supply applicable to LS (General) category.

Provided further that for billing during the period of availing Standby power, the demand for Standby power shall be calculated on daily basis considering the highest quantum of power scheduled in any particular time block of the day.

- 6) The charges for drawal of power during the period of availing Standby power shall be computed as under:

**(a) Open Access Customer who is a consumer of the distribution licensee**

- i) For the demand availed upto the admissible demand (i.e. sanctioned CD or the admissible drawal whenever applicable as per Regulation 28(3)), billing shall be as a regular consumer of the licensee.
- ii) For the Standby power availed (i.e. demand recorded in excess of the admissible demand), the charges shall be computed as under:

• **Energy charges**

Energy charges shall be levied on the energy consumption calculated in proportion of the Standby power availed to the total demand recorded.

- **Fixed charges and/or Demand surcharge**

Upto 42 days in a financial year, fixed charges on daily basis shall be levied on the Standby power availed upto the limit of Standby contract demand.

In case, Standby power is drawn for more than 42 days in a financial year or if the Standby power availed exceeds the Standby contract demand, demand surcharge shall be chargeable on the same.

**(b) Open Access Customer who is not a consumer of the distribution licensee**

- **Energy charges** shall be levied on the total energy consumed during the period of availing Standby power.

- **Fixed charges and/or Demand surcharge**

Upto 42 days in a financial year, fixed charges on daily basis shall be levied on the maximum demand recorded upto the limit of Standby contract demand.

In case, Standby power is drawn for more than 42 days in a financial year or if the recorded drawal exceeds the Standby contract demand, demand surcharge shall be chargeable on the same.

**27B – Other charges**

Charges including regulatory charges, congestion charges and any other charge imposed by the Central Commission and / or as may be approved by the Commission from time to time shall be payable by all the open access customers”.

**10. Amendment in Regulation 28 of the Principal Regulations– Scheduling**

- i) A new proviso under Regulation 28 (3) of the Principal Regulations shall be added as under:

“Provided that in case of variation in Admissible drawal due to curtailment in approved schedule of bilateral and collective transactions under Force Majeure condition(s), if the open access customer over draws power above the admissible drawal for the day from the 4th time block, then such consumer shall be charged as per Regulation 31(1)(a) for the excess power drawn from distribution licensee during the period of curtailment. The certification of such an event along with duration of curtailment shall be done by SLDC.”

- ii) The following new Regulations i.e. 28(4) and 28(5) shall be added under Regulation 28 as under:

“28(4) Actual value of power factor achieved by the open access customer during the billing period shall be used by the distribution licensee for working out the admissible drawal from the distribution licensee in KVA, during the day.

28(5) If an open access customer is unable to draw the scheduled energy due to unscheduled cut or failure of transmission/distribution system of the licensee, the power injected will be treated as banked power and the open access customer will be allowed to draw the same within a period of 15 days with an advance notice of 48 hours to the licensee. The power will in no case be drawn during peak load hours, unless banked during peak load hours. In case the open access customer is unable to draw the banked power, then he will be paid by the licensee as per Regulation (31)(1)(b).

Provided that, Banking of Energy to Captive Power Plants (CPPs) availing open access shall be permissible as per the provisions of the Punjab State Electricity Regulatory Commission (Harnessing of Captive Power Generation) Regulations, 2009, as amended from time to time.”

**11. Amendment in Regulation 29 of the Principal Regulations – Metering**

Regulation 29 of the Principal Regulations shall be substituted as under:

“The open access customer shall provide ABT compatible Special Energy Meters at the point(s) of injection/drawal and minimum requirement/ technical standards of metering shall be in accordance with Metering Code of State Grid Code.”

**12. Amendment in Regulation 30 of the Principal Regulations – Energy Losses**

In Regulation 30(2) of the Principal Regulations, the words “132/220 kV” shall be substituted with words “132 kV and above”.

**13. Amendment in Regulation 31 of the Principal Regulations– Imbalance Charges**

i) Regulation 31(1) of the Principal Regulations shall be substituted as under:

“31(1) When the open access customer is not a consumer of the licensee, the mismatch of scheduled entitlement and actual drawal for any time block shall be met from/injected to the grid and will be charged/paid as under:

**a) Overdrawal:**

Overdrawal will be paid by the open access customer to the distribution licensee at the rate of 105% of the UI/ Deviation charges (including additional charges for deviation, if applicable) + Congestion charges, if any, as notified by the Central Commission from time to time.

However, the overdrawal will be loaded with the intra-State T&D losses determined by the Commission in its Tariff Order for that year, before calculating the payable amount.

Provided that overdrawals by the Open Access Customer for the period of availing Standby power shall be dealt as per Regulation 27(A).

**b) Underdrawal:**

In the event of underdrawal, the Open Access customer will be paid by the distribution licensee at the rate of 95% of the of UI/ Deviation charges, as notified by the Central Commission from time to time.”

ii) Regulation 31(2) (a) of the Principal Regulations shall be substituted as under:

“31(2)(a) When the recorded drawal of a consumer exceeds the admissible drawal or sanctioned contract demand, as the case may be, it will be liable to pay demand surcharge as per the applicable Schedule of Tariff for temporary supply.”

**14. Amendment in Regulation 32 of the Principal Regulations – Reactive Energy Charges**

Regulation 32 of the Principal Regulations shall be substituted as under:

“The Reactive energy charges for the Open Access Customers shall be payable in accordance with the IEGC/ State Grid Code.”

**15. Amendment in Regulation 33 of the Principal Regulations – Voltage Surcharge**

In Regulation 33 of the Principal Regulations, the words “Conditions of Supply of the licensee” and “Conditions of Supply” shall be substituted with words “Supply Code 2014 as amended from time to time”.

**16. Amendment in Regulation 39 of the Principal Regulations - Under–Utilisation or Non-Utilisation of open access capacity in intra-State system**

In the Regulation 39 of the Principal Regulations;

i) The words “intra-State transmission system” shall be substituted with words “intra-State transmission/distribution system”.

- ii) “12 years” wherever appearing shall be substituted with “seven (7) years”
- iii) The words “transmission charges” wherever appearing shall be substituted with words “transmission/wheeling charges”.
- iv) The words “transmission capacity” wherever appearing shall be substituted with words “transmission/distribution capacity”

Sd/-  
Secretary  
Punjab State Electricity Regulatory Commission