



TELANGANA STATE ELECTRICITY REGULATORY COMMISSION
5th Floor, Singareni Bhavan, Red Hills, Lakdi-ka-pul, Hyderabad 500 004

Dated 15.03.2024

Present

Sri. T. Sriranga Rao, Chairman
Sri. M. D. Manohar Raju, Member (Technical)
Sri. Bandaru Krishnaiah, Member (Finance)

In the matter of (Terms and Conditions of Open Access) Regulation, 2024

STATEMENT OF REASONS

Background:

This Commission had notified TSERC (Adoption) Regulation No.1 of 2014 on 10.12.2014 for adoption of previously subsisting regulations, decisions, directions or orders, licenses and practice directions, as such, all the Regulations notified by the erstwhile APERC shall continue to apply for the State of Telangana including the following Regulations relating to the Open Access:

- i) Terms and Conditions of Open Access, Regulation, 2005 [Regulation No.2 of 2005];
- ii) Interim Balancing and Settlement Code, Regulation, 2006 [Regulation No.2 of 2006];
- iii) Interim Balancing and Settlement Code for Open Access Transactions, First Amendment Regulation, 2013 [Regulation No.1 of 2013];
- iv) Interim Balancing & Settlement Code for Open Access Transactions, Second Amendment Regulation, 2014 [Regulation No.2 of 2014];

Subsequently, this Commission has notified the Third Amendment Regulation, 2017, viz.

- i) Interim Balancing and Settlement Code for Open Access Transactions, Third Amendment Regulation, 2017 [Regulation No.1 of 2017];

Whereas, the Ministry of Power, Government of India on 06.06.2022 has notified the Electricity (Promoting Renewable Energy Through Green Energy open access) Rules, 2022 which stipulates that *“to provide Green Energy open access to consumers of green energy, the appropriate Commission may, if necessary, amend the relevant regulations made by it and such regulations shall be consistent with these rules”*.

The Commission in view of having a consolidated and comprehensive open access Regulation consistent with the provisions of the Act and the Electricity Rules, 2022 and in exercise of the powers conferred by Sections 181(1) read with Sections 42(2), 42(4), 39(2)(d)(ii) and 40(c)(ii) of the Electricity Act, 2003 (36 of 2003) and all other powers enabling it in that behalf has initially prepared the Discussion Paper on ‘Terms and Conditions of Open Access’, Regulation, 2022. Based on the comments/

suggestions received on the discussion paper, the Commission made and posted draft Telangana State Electricity Regulatory Commission (Terms and Conditions of Open Access), Regulation (hereinafter referred to as '*Draft Regulation*') on the website of the Commission on 02.09.2023 inviting suggestions/comments from all the interested persons/stakeholders before 23.09.2023 in compliance with the provisions of the Electricity (Previous Publication) Rules, 2005. In response, the Commission has received written suggestions/comments from thirty (30) stakeholders. The list of stakeholders who have submitted the written suggestions/comments on Draft Regulation is enclosed at Annexure-I. After due consideration of all the suggestions/comments received, the Commission has finalized TSERC (Terms and Conditions of Open Access) Regulation, 2024.

The relevant clauses of the Draft Regulation, deliberations on the suggestions/comments expressed by the stakeholders and the reasons for decisions of the Commission are given in the succeeding paragraphs. The clause numbers referred in this Statement of Reasons are those mentioned in the Draft Regulation.

At the outset, the stakeholders have welcomed the Commission's efforts in bringing a comprehensive regulation aligning with MoP, GEOA Rules, 2022 and commented that it is a proactive step towards establishing clear processes, which will promote competition in the State's power sector by promoting the uptake of green energy, and will create open access opportunities for consumers and generators alike and will be helpful for the growth and competitiveness of the industries in the State.

1. General

Comments/Suggestions

One of the stakeholders has requested for extension of last date for submission of suggestions/comments till 15.10.2023.

Commission's View

Commission has not extended the timelines for submission of suggestions/comments on the Draft Regulation, however, it has been noticed that the stakeholder who requested for extension of time has furnished their suggestions/comments within the timeline.

2. With regard to clause (2) 'Definitions' of Draft Regulation

2.1 The following definitions are proposed under clause 2 of Draft Regulation.

Draft Regulation

2.1(d) '*Banking*' means a facility through which the unutilized portion of energy (underutilisation or excess generation over and above scheduled wheeling) from any of the renewable energy sources, during a billing month is kept in separate account and such energy accrued shall be treated in accordance with the clause 33 of this Regulation;

2.1(g) '*Captive User*' shall mean the end user of the electricity generated from its own Captive Generating Plant and the term "*Captive Use*" shall be construed accordingly;

2.1(o) '*Entry point*' means a point at which electricity is injected into the electricity transmission network or the electricity distribution network;

- 2.1(s) *“Green Energy Open Access Consumer” means the open access consumer for the amount of Green Energy that is being drawn through open access;*
- 2.1(w) *'Losses' means the energy losses in percentage for an EHT system as a single system and for all other voltage levels, the losses in percentage as provided in the applicable Tariff Order of the Commission, or the actual levels of energy losses as provided in this Regulation.*
- Explanation –*
- (i) If the wheeling of electricity is through the distribution system of more than one distribution licensee or if the Entry/Exit point is connected to EHT system, the losses would include the transmission loss and the distribution loss up to the voltage level of the distribution licensee in whose area of supply such exit/entry point (whichever is lower) is located.*
- (ii) If the entry and exit points are located within the distribution system (33 kV and below) of the same distribution licensee, the losses would include only the distribution loss of the distribution licensee up to the voltage level at the relevant exit or the entry point(s), whichever is lower.*
- 2.1(z) *‘Open Access Consumer’ or ‘OA Consumer’ means a consumer not having a supply agreement with the distribution licensee in whose area of supply the consumer is located, but availing or intending to avail supply of energy from a person other than that distribution licensee under the Open Access Regulation and includes a consumer availing wheeling facility for carrying the electricity from his captive generating plant to the destination of his own use without having a supply agreement with the distribution licensee of the area in which the consumer’s premises is located.*
- 2.1(aa) *'Open Access Generator' means a generating company using or intending to use the transmission system and / or the distribution system of the licensees in the State for supply of electricity to a Scheduled Consumer or OA Consumer under the Open Access Regulation.*
- 2.1(cc) *‘Scheduled Consumer’ means a consumer who has a supply agreement with the distribution licensee in whose area of supply the consumer is located and also has a supply agreement with a person other than the distribution licensee under the Open Access Regulation and includes a consumer of a distribution licensee who also avails of wheeling facility for carrying the electricity from his captive generating plant to the destination of his own use.*
- 2.1(gg) *'User' or 'Open Access User' means a person using or intending to use the transmission system and/or the distribution system of the licensees in the state for receiving supply of electricity from a person other than the distribution licensee of his area of supply, and the expression includes a generating company and licensee.*
- 2.1(nn) *‘Working Day’ means such day which is not declared as a gazetted holiday by the State Government;*

Comments/Suggestions

The stakeholders/licensees have submitted their comments/suggestions on the definitions as below:

- 2.1(d) The definition of Banking may be suitably modified by excluding the provision of taking the excess energy over and above wheeling schedule as an input to the banking as open access charges are not paid for the power in excess of contracted capacity. Hence the excess energy over and above the wheeling schedule must be treated as inadvertent power;
- 2.1(g) The definition of Captive User to be in line with latest Amendment to the Electricity Rules, 2023.
- 2.1(o) 'Entry point' to be metering point at the respective substation.
- 2.1(s) The definition may be modified as "*Green Energy Open Access Consumer*" or "*Green Energy Scheduled Consumer*" means the open access consumer for the amount of Green Energy that is being drawn through open access;

Some stakeholders have requested to add the following provision under the definition of 'Green Energy Open Access Consumer' as below:

Provided further that the Green Energy Open Access Consumer availing power intermittently i.e., switching between DISCOM power and Green Energy Open Access power shall be liable for payment of tariff equivalent to tariff determined by TSERC for such instant plus an additional tariff equivalent to ToD rate for such GEOA consumer towards the energy consumed from DISCOM.

Certain stakeholders have suggested that GEOA consumer may be charged with additional ToD tariff rate for the energy drawn from DISCOMs during non-availability of RE power.

- 2.1(w) Explanation for losses in clause 2 'Definitions' and 'Applicable Losses' in Table-1 is contradictory. The explanation (i) may be modified as "*If the wheeling of electricity is through the distribution system of more than one distribution licensee or if the Entry/Exit point is connected to EHT system, then the losses would include the transmission loss and distribution loss upto the lowest voltage levels of all the distribution licensees in whose area of supply such exit/entry points are located.*"
- 2.1(z)&(cc) Both "Open Access Consumer" and "Scheduled Consumer" be treated uniformly as open access consumer and suggested to be modified as "*Open Access Consumer or Scheduled Consumer means a consumer who has a supply agreement with the distribution licensee in whose area of supply the consumer is located and also has a supply agreement with a person other than the distribution licensee under the open access regulation and includes a consumer of a distribution licensee who also avails of wheeling facility for carrying the electricity from his captive generating plant to the destination of his own use.*"
- 2.1(aa)&(gg) The sub-clauses 2.1(aa) and 2.1(gg) may be clubbed by modifying the clause as "*User or Open Access User means a person using or intending to use the transmission system and/or the distribution system of the licensees in the State for receiving supply of electricity from a person other than the distribution licensee of his area of supply, and the*

expression includes licensee and an open access generating company intending to supply electricity to OA or Scheduled consumer under this Regulation."

- 2.1(nn) 'Working Day' means a day on which bank is open for Business. (in line with CERC Regulations).
- Stakeholder suggested to add the definition - '*Installed capacity*' of a generator as *the maximum productive capacity of a power plant*, as an open access user can contract with the generator less than its installed capacity under clause 26.1.
 - Proposed to incorporate the definition for banking cycle as 'Banking Cycle' means a continuous period on yearly basis starting from the date of commencement of banking.

Commission's View

- 2.1(d) The Commission finds no merit in the licensee's suggestion and hence retained the definition.
- 2.1(g) The '*Captive User*' definition is in line with the Electricity (Amendment) Rules, 2023 and hence the Commission retained the definition.
- 2.1(o) The definition of '*Entry Point*' is self-explanatory, intending to signify the point where the generating station injects electricity into the transmission and/or distribution network. Therefore, the definition as proposed in the Draft Regulation has been retained.
- 2.1(s) The Commission finds no merit in stakeholders' suggestion in inserting the provision under the definition of Green Energy Open Access Consumer. However, to bring more clarity, the definition of 'Green Energy Open Access Consumer' is modified as below:

'GEOA Consumer' means either full or partial open access consumer for the amount of Green Energy that is being drawn through open access.

- 2.1(w) With respect to losses for wheeling of electricity through more than one distribution licensees, the Commission has taken note of the suggestion of the stakeholder and in order to provide more clarity modified the first point in explanatory note as follows:

"If the wheeling of electricity is through the distribution system of more than One distribution licensee or if the entry/exit point is connected to EHT system, the losses would include the transmission loss and the distribution loss up to the voltage level of both distribution licensees."

Further, to have more clarity '*Applicable Losses*' against Sl.Nos.1,5 and 9 of Table-1 are modified as "*Distribution loss in kind at relevant voltage level at exit/entry point whichever is lower*", where the injection and drawal points considered to be connected to network of same distribution licensee.

- 2.1(z)&(cc) To distinguish clearly and to remove ambiguity in the definitions of '*Open Access Consumer*' and '*Scheduled Consumer*', Commission has renamed the '*Open Access Consumer*' as '*Full Open Access Consumer*' and '*Scheduled Consumer*' as '*Partial Open Access Consumer*'

2.1(aa)&(gg) The Commission retained the definitions with slight modifications as given below:

'Open Access Generator' or 'OA Generator' means a generating company using or intending to use the transmission system and/or the distribution system of the licensees in the State for supply of electricity to an open access consumer;

'Open Access User' or 'User' means a person using or intending to use the transmission system and/or the distribution system of the licensee(s) in the State for receiving supply of electricity from a person other than the distribution licensee of his area of supply, and the expression includes a generating company, licensee, captive users and GEOA users;

2.1(nn) The Commission has retained the definition of 'Working Day'.

- With regard to insertion of new definition "*Installed Capacity*", the Commission is of the view that 26.1 of the Draft Regulation is self-explanatory, which clearly states that the total capacity allocations by an open access generator for any time-block to all the scheduled consumers and open access consumers shall not exceed the available capacity from the generating plant, which should not exceed the installed capacity or contracted open access capacity, whichever is lower and hence, there is no need for inclusion of new definition.
- The Commission opines that clause 33 '*Banking of Renewable Energy Generation*' is lucid and clear that the Banking shall be permitted on a monthly basis (clause 33.3) and the banking settlement period shall be a calendar month (clause 33.5), hence, not inclined for addition of new definition of 'Banking Cycle'.

Further, the Commission has decided to remove the expression '*under the Open Access Regulation*' wherever it is appearing. Also, the definitions in Annexure-1 (Banking agreement for in-house captive generators) and definitions in Annexure-2 (Open access agreement (LTOA/MTOA/STOA) are aligned with the definitions in the main Regulation. Moreover, the acronyms (shortforms) are used in place of long-forms in the final Regulation.

3. With regard to clause 4 'Categorization of Open Access Users' of Draft Regulation

Draft Regulation

4. Categorization of open access users

The open access users of the transmission and/or distribution system(s) shall be classified as follows:

- (a) *Long-Term Open Access User: Any user of the transmission and/or distribution system(s) entering into an open access agreement with the concerned licensee(s) for a period exceeding seven (7) years but not exceeding twenty-five (25) years shall be categorised as a Long-Term Open Access User.*
- (b) *Medium-Term Open Access User: Any user of the transmission and/or distribution system(s) entering into an open access agreement with the concerned licensee(s) for a period exceeding*

three (3) months but not exceeding five (5) years shall be categorised as a Medium-Term Open Access User.

- (c) *Short-Term Open Access User: Any user of the transmission and/or distribution system(s) entering into an open access agreement with the concerned licensee(s) for a period not exceeding one (1) month at a time shall be treated as Short-term open access user.*
- (d) *Green Energy Open Access Consumer: Any user of the transmission and/or distribution system(s) entering into an open access agreement with the concerned licensee(s) for availing green energy open access;*

Comments/Suggestions

- 4 Suggested to align the intra-State Open Access Regulation in line with the CERC (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022
- 4(a) To reduce the period of LTOA from exceeding 7 years to exceeding 5 years in order to align the open access regulation in line with the needs of the market.
- 4(a)&(b) The minimum term for LTOA and MTOA may be retained as per the existing regulation.
- 4(b) Suggested that in order to fill the blank periods, the MTOA period is to be exceeding One (1) month but not exceeding seven (7) years.
- 4(c) Suggested that STOA duration should not be for less than One-month at a time, repeated application for STOA can be discouraged. Further the consumers under GEOA can also avail open access for long-term, medium-term and short-term for the same periods as other consumers. Further, the Commission has no specific regulation regarding grant of connectivity with a clear timeline for this process, this will invariably impact the overall timeline of receiving an approval for open access for a new generator. Licensees suggested to modify the clause 4(c) as “*Any user of the transmission and/or distribution system (s) entering into an open access agreement with the concerned licensee(s) for a period not exceeding one (1) month at a time shall be treated as T-GNA user.*”

Commission’s View

The Commission has taken note of the suggestion of the stakeholders and in order to provide more clarity, and to remove ambiguity in classification/ categorisation of open access users, has comprehensively modified the provision in the final Regulation and removed the clause 4(d), and consequently the clause 4 ‘Categorization of Users of Open Access’ is as follows:

- 4.1 *The users of open access of the transmission and/or distribution system(s) of licensee(s) shall be classified based on the following criteria:*
 - a) *System to which connected:*
 - i) *Distribution system;*
 - ii) *Intra-State Transmission system;*
 - b) *Inter-se location of entry and exit points:*

- i) *Both within the same distribution system;*
 - ii) *Within the State but in different distribution systems;*
 - iii) *In different States;*
- c) **Duration:**
- i) **Long-Term:** *Any user of the transmission and/or distribution system(s) entering into an open access agreement with the concerned licensee(s) for a period exceeding seven (7) years but not exceeding twenty-five (25) years shall be categorised as long-term user;*
 - ii) **Medium-Term:** *Any user of the transmission and/or distribution system(s) entering into an open access agreement with the concerned licensee(s) for a period exceeding One (1) month but not exceeding seven (7) years shall be categorised as a medium-term user;*
 - iii) **Short-Term:** *Any user of the transmission and/or distribution system(s) entering into an open access agreement with the concerned licensee(s) for a period not exceeding One (1) month at a time shall be treated as short-term user;*

4. With regard to clause 5 ‘Nodal Agency’ of Draft Regulation

Draft Regulation

5. *Nodal Agency*

5.1

5.2 *For short-term open access transactions, the Nodal Agency for receiving and processing applications shall be the State Load Dispatch Centre (SLDC). The SLDC shall, however, allow short-term open access transactions only after consulting the concerned transmission and/or distribution licensee(s) whose network(s) would be used for such transactions:*

Provided that for short-term transactions with duration of less than one week, the SLDC may not consult the concerned licensees for permitting such transactions. The SLDC and Licensees shall devise procedures for coordination among themselves for allowing such short-term transactions.

Comments/Suggestions

5. In case of intra-State Green Energy Open Access, clarification is required whether application is to be made to CNA or SNA.

5.2 STOA duration should not be less than One (1) month at a time so as to ensure compliance with necessary procedures of consulting transmission or distribution licensees for permitting open access transactions and such consumers can trade on day-ahead basis or in the real time market within that One-month duration.

Commission’s View

a) The Commission has replaced ‘Nodal Agency’ with ‘State Nodal Agency’ or ‘SNA’ in all instances for clarity and uniformity with Green Energy Open Access (GEOA) and Non-Green Energy Open Access. GEOA, as

defined in Rule 5 of Green Energy Open Access Rules. According to clause 6.3, GEOA approval applications must be submitted via the Green Energy Open Access Registry (GOAR), a portal established by the Central Nodal Agency (CNA).

5. With regard to clause 6 ‘Criteria for allowing open access to transmission and/or distribution systems’ of Draft Regulation

Draft Regulation

6.2 *The short-term open access shall be allowed, if the request can be accommodated by utilizing:*

- (a) *Inherent design margins;*
- (b) *Margins available due to variations in power flows and unutilized capacity, if any; and*
- (c) *Margins available due to in-built spare capacity in transmission and/or distribution system(s) created to cater to future load growth;*

Comments/Suggestions

Under clause 6.2(c), the licensee has requested that an Open Access Consumer be allowed to avail Open Access up to a capacity that does not exceed its existing Contract Demand with the Distribution License as of the application date.

Commission’s View

The Commission views that there is no merit in the Licensee’s comments/suggestions, hence retained the clause.

6. Regarding clause 7 ‘Verification of Status of Captive Generating Plants and captive users’ of Draft Regulation

Draft Regulation

7. *Verification of Status of Captive Generating Plants and captive users:*

7.1 *Verification of status of CGP and captive users with respect to the criteria of consumption and equity share holding, as prescribed under the Electricity Rules, 2005 shall be done annually by the Distribution Licensee (in whose area the CGP or Captive User is located) after the end of financial year based on the information submitted by the CGP and Captive User.*

7.2 *The Distribution Licensee shall submit status to the Commission in respect of verification of status of CGP and captive users before 30th April each year and initiate appropriate proceedings before the Commission.*

7.3 *Verification of consumption criteria:*

- a) *Verification of criteria of consumption shall be based on the net electricity generated from the generating unit(s) in a generating station, i.e., gross electricity generated less auxiliary consumption, identified for captive use.*
- b) *The electricity generated shall be determined on annual basis at the end of the year.*

- c) Verification criteria for various types of captive users shall be as follows:

Sl. No.	Type of Captive user	Criteria
I	Single captive user	The self-consumption shall not be less than 51% of the net electricity generated on an annual basis.
II	Partnership firm/Limited Liability Partnership LLP	The self-consumption shall not be less than 51% of the net electricity generated on an annual basis.
III	Association of Persons (AoP)	The captive users shall consume not less than 51% of the net electricity generated on annual basis for captive use in proportion to their share in the power plant within the variation not exceeding 10%.
IV	Cooperative Society	Members of Society shall collectively consume not less than 51% of the net electricity generated on annual basis.
V	Captive use in respect of Special Purpose Vehicle (SPV)	The captive user(s) shall consume not less than 51% of the net electricity generated on annual basis

- d) Manner of assessment of data related to generation from CGP and consumption by captive user:

Sl. No.	Location	Method of assessment
I	CGP and its captive user(s) are co located	Based on net generation from the CGP and consumption by the captive user, assessment shall be based on the reading of the meter installed for recording the generation at the generation side ("generation meter") and the electricity sourced at the consumption side ("consumption meter").
II	CGP and its captive users are located within the State (but not co located)	Based on actual generation from the CGP as per the data provided by the respective SLDC and the corresponding consumption or the actual consumption whichever is lower, based on the meter reading at the user interface with the grid as provided by the concerned SLDC and the distribution licensee in whose area the user(s) are located.
III	The CGP and its captive user(s) is/are located in different States	Based on actual generation from the CGP as per the data provided by the respective RLDC and the corresponding consumption or the actual consumption whichever is lower, based on the meter reading at the user interface with the grid as provided by the concerned SLDC and the distribution licensee in whose area the user(s) are located.

7.4 Verification of equity share holding criteria:

- a) Verification criteria for various types of CGP shall be as follows:

Sl. No.	Type of CGP	Criteria	Support document
I	Single captive user	The user shall hold not less than 26% of the equity share capital having voting rights throughout the year	A certificate from the Company Secretary.
II	Partnership firm/LLP	Ownership in the captive plant shall be with respect to not less than 26% proprietary interest and control over the generating station or power plant on annual basis.	A certificate from the Company Secretary.
III	AoP	The captive users shall hold in aggregate not less than 26% of the ownership/paid up equity share capital with voting rights throughout the year	A certificate from a registered Chartered Accountant.
IV	Cooperative Society	Members of society shall collectively satisfy not less than 26% of the ownership on annual basis.	District Registrar of Cooperative Society.
V	SPV/ Company	The captive user(s) shall hold in aggregate not less than 26% of the proportionate paid up equity share capital with voting rights of the units identified for captive use (i.e. the proportionate of the Equity of the company related to the generating unit or units identified as the CGP) throughout the year	A certificate from a registered Chartered Accountant.

7.5 Consequence of failure to meet Captive user status:

7.5.1 *The Captive user shall deposit by 30th April of every year, the security deposit in the form of unconditional and irrevocable Bank Guarantee from any Scheduled Bank equivalent to 51% captive consumption, to the concerned distribution licensee as payment security against estimated cross subsidy surcharge and additional surcharge as determined by the Commission:*

Provided that there shall be no exemption from Cross Subsidy Surcharge and Additional Surcharge on the electricity consumed by non-Captive consumers.

7.5.2 *If the CGP or Captive User fails to meet the criteria of ownership and consumption, specified in Rule 3 of Electricity Rule 2005, as amended from time to time, by the end of the year, such CGP or Captive User shall lose its Captive status for that year leading to imposition of Cross Subsidy Surcharge and Additional Surcharge and such other charges as applicable on open access consumers.*

Comments/Suggestions

- 7.1 Ministry of Power (MoP) vide its notification dated 01.09.2023 has issued Electricity (Third Amendment) Rules, 2023 wherein it is specified that Central Electricity Authority (CEA) shall be the verification authority for those Captive Generating Plant (CGP) which are located in One State and its captive consumers are located in other State(s). Accordingly, suggested that the Commission to take the cognizance of the Electricity (Third Amendment) Rules, 2023 issued by MoP on 01.09.2023 while finalizing the Draft Regulation that for CGP located outside the State, the verifying authority shall be the CEA. Also suggested that TSDISCOMs shall prepare detailed procedure along with the required formats for verification of captive status and the same shall keep available on their website. Certain stakeholders suggested to include methodology for verification of the third-party plant/user converted to captive plant/user, proposed the following clause.

"The Distribution Licensee shall verify, on application, of a third-party plant/user, the criteria of equity share holding and consumption after the end of financial year based on information submitted intending to convert to captive plant/user."

- 7.2 Stakeholders requested to provide at least three (3) months' time for preparation and submission of such information to TSDISCOMs by the CGP and captive users and accordingly, fix the timelines for submission of such information related to shareholding and generation/consumption at the end of the financial year by 30th June. The Commission to specify the standard format for submission of such details.

Stakeholders further requested to add the proviso to the Regulation - Verification of consumption criteria in any subsidiary or holding company of a captive user. This is in line with the Electricity (third amendment) Rule, 2023 dated 01.09.2023 notified by Ministry of Power, which allows the consumption from a captive generating plant of a captive user by a subsidiary company or a holding company of the captive user as admissible captive consumption.

Further submitted that in accordance with Regulation 7.2 of the Draft Regulation, if the documents pertaining to verification of status of CGP and captive users required to be submitted by DISCOMs to the Commission before 30th April of each year, in such cases, CGP and captive users have to submit details regarding electricity generation, entity-wise electricity consumption and equity shareholding to DISCOMs prior to 30th April of each year which would be difficult because the collection of details for generation and consumption for each user for the whole financial year would be a time taking exercise considering the fact that such details for the month of March itself will be received by 15th to 20th April. Regulation 7.2 of the Draft Regulation is to be modified as per below provision:

"7.2 *The Captive Generating Plant and Captive consumer(s) shall submit details regarding their electricity generation, entity wise consumption and equity shareholding during the previous Financial Year before 30th June of each year. Further, Distribution Licensee shall submit status to the Commission in respect of*

verification of status of CGP and captive users before 30th July of each year and initiate appropriate proceedings before the Commission."

The Distribution Licensee shall submit status to the Commission in respect of verification of status of CGP and captive users before 30th June/July each year and initiate appropriate proceedings before the Commission.

- 7.3(a) Net electricity generated from generating station should be gross electricity generated less auxiliary consumption and deducting applicable. To take the cognizance of Electricity (Third Amendment) Rules, 2023 issued by MoP on 01.09.2023 while finalizing the Regulation. And to add the following provision: Verification of consumption criteria by any subsidiary of holding company of a captive user. This is in line with MoP's Electricity (Third Amendment) Rule, 2023 notified on 01.09.2023, which allows the consumption from a captive generating plant of a captive user by a subsidiary company or a holding company of the captive user as admissible captive consumption.
- 7.4 To specify the methodology and other requirements of identification of captive units for solar based captive generating plant.
- 7.5 Some stakeholders suggested that the Security Deposit is burdensome for the captive consumers since they need to invest in the equity of the plant. Hence, the Security Deposit have to be equivalent to 25% of the CSS and AS based on 51% of captive consumption. Further, as per Hon'ble APTEL judgment dated 17.05.2019 in Appeal No.2 of 2018 and 179 of 2018 in the matter of Prism Cements Vs. MPERC & Others and judgment dated 07.06.2021 in Appeal No.131 of 2020 in the matter of TNPPA & TNERC & Others, to modify the provision requiring 26% of the equity with voting rights of the captive users existing at the end of the financial year. This provision would result in an additional financial burden on consumer and restrain from sourcing power under the captive mode. Certain other stakeholders suggested that the requirement of the depositing security deposit to be removed or alternatively the clause may be modified as *"All the open access users shall be levied with the imposition of CSS and AS and such other charges as applicable on open access consumers from the period from the date of open access agreement to the end of the financial year. The captive status verification of ownership criteria and consumption criteria shall be undertaken by the concerned distribution licensee as per clause 7 after the end of the financial year and the exemptions for the eligible captive users shall be passed on to the captive user subsequently."* or a suitable provision may be added for encashing the BG furnished by the captive user as per clause 7.5.1 in case of failure of the captive user in fulfilling the criteria of ownership and consumption. As the revenue is delayed upto the end of the year, delay payment surcharge may be allowed. This clause to be removed as it will severely affect captive user financials, the captive user is anyhow penalized for the applicable charges as per clause 7.5.2 for breach of captive status. As per Rule 3 of the Electricity Rules, 2005, verification of status of CGP is an annual process and is to be carried

out at the end of the financial year. Accordingly, the word 'year' may be substituted with 'Financial Year' in clause 7.5.2 of the Regulation.

Commission's View

7.1&7.2 The Commission has taken note of the stakeholders' suggestion and accordingly modified the clause by adding a new proviso under clause 7.1 in accordance with the Electricity (Third Amendment) Rules, 2023, dated 01.09.2023 as shown below:

Provided that the captive status of such generating plants, where captive generating plant and its captive user(s) are located in more than One State, shall be verified by the Central Electricity Authority as per the procedure issued by the Authority with the approval of the Central Government.

Further the difficulties expressed by stakeholders in submitting the verification of status of Captive Generating Plants to the Commission by 30th April is considered and the clause 7.2 is modified as shown below:

7.2 *The Distribution Licensee shall submit status to the Commission in respect of verification of status of CGP and captive users before 30th June each year for initiating appropriate proceedings.*

7.3(a) The Commission has proposed the computation of net electricity generation for verification of consumption criteria, considering wheeling /transmission losses. This is in line with the Draft CEA procedure for verifying the captive status of generating plants and their captive users located in multiple States. The provision in the Draft Regulation has been retained. Despite stakeholder requests for a new proviso, the Commission observed that clause 7.3(c) of the verification of consumption criteria already covers the verification by a subsidiary of a captive user's holding company, so no changes were made.

7.5.1&7.5.2 A safeguard mechanism has been implemented in clause 7.5.1 of the Draft Regulation for TSDISCOMs to address situations where captive users fail to maintain their status by the end of the financial year. This allows TSDISCOMs to encash the Bank Guarantee, preventing revenue loss due to delayed payments. This provision is retained as in the Draft Regulation.

7. With Regard to clause 8 'Provisions for existing users other than the distribution licensees' of Draft Regulation

Draft Regulation

8.2 *Existing users other than the distribution licensees: The existing user(s) other than the existing distribution licensees may continue to avail themselves of the wheeling facility as per the existing agreements for the period(s) specified in those agreement(s), to the extent they are not inconsistent with the Act and this Regulation:*

Provided that such existing user(s) shall pay the transmission charges, wheeling charges and other charges as may be determined by the Commission from time to time:

Provided also that any additional capacity sought by such existing user(s) in addition to the capacity already contracted, shall be treated as

new application for open access to the extent of additional capacity sought.

Comments/Suggestions

The stakeholders suggested to arrange for continuation of existing regulations for the already installed and to be installed solar plants for which grid connectivity approvals were already given, even at the time of renewal also.

Commission's View

The Commission is of the view that renewing existing agreement constitutes a modification of the current agreement. Hence, it should be regarded as a new application for open access. Therefore, the proposed provision in the Draft Regulation has been retained.

8. With regard to clause 9 'Capacities for allowing Open Access' of Draft Regulation

Draft Regulation

9 *Capacities for allowing Open Access*

9.1 *Open Access user having Contracted Capacity of above 1 MW are eligible for Open Access:*

Provided that only consumers who have contracted demand or sanctioned load of Hundred (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, shall be eligible to take power through Green Energy Open Access and there shall be no limit of supply of power for the captive consumers taking power under Green Energy Open Access:

Provided that the Commission shall allow open access to consumers with contracted capacity of 1 MW or less in due course at such time and in such phases as it may consider feasible having due regard to operational constraints and other factors:

9.2 *The licensees shall make all reasonable attempts to ensure that operational constraints in the Transmission and / or Distribution systems as the case may be, including metering, communication systems, capacity determination, etc. are removed so that, as far as possible, no eligible consumer is denied open access on the grounds of operational constraints in the system.*

Comments/Suggestions

9.1 In cases where multiple connections, each with a contracted demand of less than 100 kW, are located at different locations within the same DISCOM and have an aggregate contract demand of 100 kW or more, they may qualify for GEOA. The metering and billing settlement for cases connected to the LT side needs to be determined, possibly following the CEA metering regulation 2006 and its amendments. Virtual metering may be allowed for multiple locations aggregating to 100 kW. GEOA, currently restricted to the same electricity division, should be extended statewide as consumers bear transmission charges and losses. It's suggested that GEOA be limited to HT network consumers with loads over 100 kW. LT consumers with a 100 kW load should apply for an HT

connection to avail GEOA. For consumers with multiple connections aggregating to 100 kW, separate registration, metering, and energy accounting processes need to be specified. Provisions are needed for captive consumers with contract demand below 100 kW, and a model agreement should be part of this regulation. The phrase ‘there shall be no limit of supply of power for the captive consumers’ should be replaced with ‘there shall not be any requirement of minimum contract demand or sanctioned load for captive consumers’. The proviso may state that the load limitation for captive generators under GEOA is limited to the contracted demand with the distribution licensee. Consumers granted with open access should schedule at least 75% of the OA granted capacity throughout the day in each time block, with non-compliance leading to a six-month ineligibility. Uniform eligibility criteria should be provided for all consumers, with a phase-wise timeline for those with contracted capacity less than 1 MW. Licensees suggest modifying the eligibility for open access to users with contracted capacity of 1 MW and above, and for captive consumers under GEOA, the quantum should be 100 kW and equal to or less than their CMD.

- 9.2 Timeline for removing the operational constraints in the transmission and/or distribution system(s) is to be specified.

Commission’s View

9.1&9.2 The Commission opines that restricting GEOA consumers to HT consumers only would violate GEOA Rules. It observed that the GEOA Rules mandate no load limitation for captive consumers, and thus the provision in the Draft Regulation aligns with the GEOA Rules, 2022 and as such, has been retained. For clarity in the final Regulations, the distinction between the capacity allowing open access in case of non-RE and RE, clauses 9.1 and 9.2 of the Draft Regulation have been slightly improved.

9. With regard to clause 10 ‘Criteria for allotment/reservation of capacity’ of Draft Regulation

Draft Regulation

10 *Criteria for allotment/reservation of capacity:*

- 10.1 *A distribution licensee, due to its obligation to supply on request under section 43 of the Act, shall have the highest priority in allotment of capacity, long-term, medium-term as well as short-term.*
- 10.2 *As regards the other applicants for allotment of capacity of transmission and/or distribution systems, the persons applying for Long-Term open access shall have priority over the persons applying for Medium-Term open access and then the persons applying for Medium-Term open access shall have priority over the persons applying for Short-Term open access. However, within a category, an applicant requesting transmission and/or distribution access for longer duration shall have priority over the person(s) seeking access for shorter duration.*
- 10.3 *Allotment of capacity in case of insufficient spare capacity/congestion.*
- 10.3.1 *For Long-Term applicants: In the event of insufficient spare capacity in distribution system/congestion in the transmission system hindering 34*

accommodation of all long-term open access applications, the Nodal Agency shall inform the applicants of the same and shall advise the concerned Licensee(s) to carry out an assessment of works required to create additional capacity by strengthening of the system to accommodate such applicant(s). After completion of such works, the Nodal Agency shall allot the capacity to such applicant(s). As regards capital expenditure incurred by the licensee(s) for system-strengthening, the licensee(s) can require a capital contribution from the applicant(s) subject to the provisions of clause 21.1(v) of this Regulation.

- 10.3.2 For Medium-term applicants: The Nodal Agency shall, in consultation and through coordination with SLDC, Transmission licensee(s) and/or the Distribution licensee(s) concerned, and based on the system studies of the Licensee(s) concerned, if required, assess the capacity available for Medium term open access application. Medium-term open access shall be granted if the resultant power flow can be accommodated in the existing transmission/distribution system or transmission/distribution system under execution. No augmentation of transmission/distribution system is envisaged for granting MTOA. Construction of dedicated transmission line shall not be construed as augmentation of transmission system for this purpose. If the Nodal agency finds that the MTOA cannot be accorded to the applicant the same is to be communicated to the applicant within 15 days from the date of receiving the application along with reasons in details which shall include detailed justification, load flow study reports in detail and all back up calculations with regard to non-availability of the concerned assets required for the open access
- 10.3.3 For Short-Term applicants: In case of applicants for short-term open access with transactions required to be accommodated through congested corridors of the network, the Nodal Agency shall invite bids by Fax/e-mail with floor price equal to the un-congested price for the short-term users. The bidders shall quote percentage points above the floor price. The allotment of capacity shall be done in decreasing order of the price quoted. In case of quotes involving equal prices, the allotment of capacity shall be done, if required, pro rata to the capacity sought. The user getting allotment of capacity less than the capacity sought by him shall pay charges as per the price quoted by him. All other applicants getting capacity allotment equal to the capacity sought by them shall pay charges as per the price quoted by the last applicant getting full allotment of the capacity sought.

Explanation 1: For the purpose of clauses 10.3.1, and 10.3.2, “congestion” in the context of allotment of capacity for transmission of electricity shall be construed to have occurred when a transmission system cannot accommodate all transactions that would normally occur among users due to physical or engineering limitation.

Explanation 2: For the purpose of clause 10.3.2, the term “un-congested price” means the transmission and/or wheeling charges required to be paid by the short-term users as per the rates approved by the Commission and published by the Nodal Agency from time to time.

Comments/Suggestions

- 10.1 Capacity of transmission corridor should be allotted first to GEOA consumers followed by normal OA consumers and LTGEOA should have priority over normal LTOA. Clarification required regarding the bids for transmission capacity allotment for inter or intra-State open access or both?
- 10.2 To modify the clause 10.2 by adding a provision "*Provided further, open access for non-fossil fuel sources shall be given priority over the open access from the fossil fuel.*"
- 10.3.1 The capital contribution is not required for GEOA allotment.
- 10.3.2 Since MTOA processing time line required is for 60 days, the same time may be given for communicating the information regarding non-processing of MTOA.
- 10.3.3 To amend the clause by adding a provision in line with GEOA Rules, 2022 as "*Provided further that in case of GEOA the order of allotment will be on first in first out (FIFO) basis.*"

Commission's View

10. The Commission has noted the stakeholders' comments and is of the view to retain all the sub-clauses.

- 10. With regard to clauses 11, 12, 13 and 14 'Application/processing fee for Long-term, Medium-term, Short-term and Green Energy open access' of Draft Regulation** [First proviso of clauses 11.2, 12.2 and 13.2; clause 14.3; and under column 'Application Fee (Rs)' in Table-1 Sl.No.1,2,3,5,6,7,9,10,11 and Table-2 Sl.No.1,2,4,5,7,8]

Draft Regulation

The following application/processing fees are prescribed in the Draft Regulation:

Sl. No.	Open Access	Category	Processing fee
1)	Long-term open access	Non-Green-Energy	Rs.1,00,000/-
		Green-Energy	Rs.5,000/-
2)	Medium-term open access	Non-Green-Energy	Rs.50,000/-
		Green-Energy	Rs.5,000/-
3)	Short-term open access	Non-Green-Energy	Rs.5,000/-
		Green-Energy including for applying for day-ahead GEOA transaction	Rs.1,000/-

Comments/Suggestions

Licensees submitted that in present practice the application fees and processing fees are collected along with GST and suggested to include "Application fee plus applicable taxes".

Commission's View

The Commission is inclined to modify the clause as the taxes are applicable to the application fees and accordingly, 'Application Fee' or 'Processing Fee' wherever appears is corrected as 'Application Fee plus applicable taxes'.

11. With regard to clause 11 ‘Procedure of application for Long-term open access’ of Draft Regulation

Draft Regulation

11.2 *An application for long-term open access shall be filed with the STU by the applicant, with a copy to the concerned transmission/distribution licensee(s). The application shall be accompanied by a non-refundable processing fee as prescribed by the Commission in the Tariff Orders, or otherwise, from time to time:*

... ..

11.5 *All applications received within a calendar month e.g., during 1st April to 30th April, shall be considered to have been filed simultaneously. This window of a calendar month shall keep rolling over i.e., after the expiry of a monthly window, another window of the duration of the next calendar month shall commence.*

... ..

11.8 *The Nodal Agency shall convey its decision to grant or refuse long-term Open Access within 120 days from closure of window if system augmentation is not required or 180 days from closure of window or otherwise:*

Provided that, in case open access is not granted, the same shall be intimated within the above time furnishing the reasons in writing and also the probable date from which the open access can be granted.

Provided further that, in case the Nodal Agency fails to intimate the grant of OA or otherwise, within the above specified time, the same shall be deemed to have been granted, which is subject to system availability.

Comments/Suggestions

11.2 Only the nodal agency be given the single point of contact for the submission of the open access application. The concerned licensee shall issue the technical feasibility on the request received from the nodal agency for processing the open access application. Licensees suggested that in order to maintain uniformity, a new clause may be added mentioning the provision for collecting Bank Guarantee similar to long-term GEOA applications.

... ..

11.5 The provision of window of calendar month introduced in 2005 has no relevance now and needs to be removed in totality as an application filed on 1st April and 30th April can't be treated as filed on same date because the SNAs are working on all working days nowadays and throughout the month and hence there is no merit in extending such a provision. An application filed on a particular date should be treated as if it was filed on that date itself.

11.6 The timeline of 30 days is appropriate for system studies for grant of LTOA, as that of grant of MTOA, instead of proposed 60 days.

Whereas the licensees requested that the time line specified may be modified to 120 days to remove the repugnancy. Further a new clause to be incorporated for all open access transaction in order to avoid unnecessary blocking of corridor that “*the applicant within 30 working*

days for the grant of LTOA/MTOA shall execute the open access agreement with the concerned transmission and/or distribution licensee(s). In case the applicant fails to approach the concerned transmission and/or distribution licensees within the specified time of 30 working days, the LTOA/MTOA granted by the nodal agency shall be deemed to be cancelled.”

- 11.8 A typo error that mentioned 120 days for disposal of LTOA application. Further requests are made for deemed approvals, wherever applicable.

Commission’s View

- 11.2 The Commission finds no merit in the suggestion given by the stakeholders and decided to retain the clause.
- 11.5 The Commission finds merit in the suggestion given by the stakeholder and decided to remove the concept of provision of calendar month and accordingly, the clause 11.5 in the draft Regulation is removed.
Further, the word ‘closure of window’ in clauses 11.6, 11.7 and 11.8 in the Draft Regulation is corrected with ‘date of receipt of application’ and renumbered as clauses 11.5, 11.6 and 11.7.
- 11.6 The Commission is not in agreement with the stakeholders’ suggestion for modification of timeframe for processing the LTOA application to thirty (30) days and is retained as sixty (60) days.
- 11.8 (11.7) The typo error in clause 11.8 has been corrected in the final regulation. The Commission finds merit in the suggestion given by the stakeholders to remove the phrase ‘subject to system availability’ in the proviso of clauses 11.8 of Draft Regulation. Further, the second proviso of clause 11.8 has deemed provision for grant of LTOA.

12. With regard to clause 12 ‘Procedure of application for Medium Term Open Access’ of Draft Regulation

Draft Regulation

12.2 *An application for medium-term open access shall be filed with the STU by the applicant, with a copy to the concerned transmission/ distribution licensee(s). The application shall be accompanied by a non-refundable processing fee as prescribed by the Commission in the Tariff Orders, or otherwise, from time to time:*

... ..

12.5 All applications received within a calendar month e.g., during 1st April to 30th April, shall be considered to have been filed simultaneously. This window of a calendar month shall keep rolling over i.e., after the expiry of a monthly window, another window of the duration of the next calendar month shall commence.

... ..

12.8 *In case of Medium-term open access, the State Nodal Agency shall give consent to the applicant with a copy to the TSSLDC and STU, within thirty (30) days of date of receipt of application:*

Provided that for the reasons to be recorded in writing, the State Nodal Agency may grant Medium-term open access for a period less than that sought by the Applicant.

Comments/Suggestions

- 12.2 Licensees suggested that in order to maintain uniformity, a new clause may be added mentioning the provision for collecting Bank Guarantee similar to long-term GEOA applications.
- 12.5 The provision of window of calendar month introduced in 2005 has no relevance now and needs to be removed in totality as an application filed on 1st April and 30th April can't be treated as filed on same date because the SNAs are working on all working days nowadays and throughout the month and hence there is no merit in extending such a provision. An application filed on a particular date should be treated as if it was filed on that date itself.
- 12.8 The time period specified for processing the MTOA application may be modified as 60 days in place of 30 days. Further, requests are made for deemed approvals, wherever applicable.

Commission's View

- 12.2 The Commission finds no merit in the suggestion given by the stakeholders and decided to retain the clause.
- 12.5 The Commission finds merit in the suggestion given by the stakeholder and decided to remove the concept of window period and accordingly, the clause 12.5 in the draft Regulation is removed.
- Similarly, under clause 12, 'Procedure of Application for Medium Term Open Access', the word 'closure of window' is substituted with word 'date of receipt of application' in clauses 12.8, 12.9 and 12.10 is corrected and renumbered as clauses 12.7, 12.8 and 12.9 as shown below:
- 12.8 The Commission is not in agreement with the stakeholders' suggestion for modification of timeframe for processing the MTOA application to sixty (60) days and is retained as thirty (30) days. Further, the second proviso of clause 12.9 has deemed provision for grant of MTOA.

13. With regard to clause 13 'Procedure of application for Short-Term Open Access' of Draft Regulation

Draft Regulation

- 13.3 *The SLDC shall process the applications for Short-Term open access within the following time limits:*

Duration for which open access is required	Maximum processing time
<i>Up to one day</i>	<i>12 hours</i>
<i>Up to one week</i>	<i>Two days</i>
<i>Up to one month</i>	<i>Seven days</i>

- 13.4 *The State Nodal Agency shall convey its decision to grant or refuse Short-term Open Access within above specified timelines:*
- Provided that, in case open access is not granted, the same shall be intimated within the above time furnishing the reasons in writing and also the probable date from which the open access can be granted:*
- Provided further that, in case the State Nodal Agency fails to intimate the grant of Open Access or otherwise, within the above specified time, the same shall be deemed to have been granted.*

Comments/Suggestions

13.3 Maximum processing time in 'Days' shall be corrected as '*working days*'

Commission's View

The Commission finds merit in the suggestion given by the stakeholders. Accordingly, the clauses 13.3 is modified as shown below:

13.3 *The TSSLDC shall process the applications for STOA within the following time limits:*

<i>Duration for which open access is required</i>	<i>Maximum processing time</i>
<i>Up to One (1) day</i>	<i>Twelve (12) hours</i>
<i>Up to One (1) week</i>	<i>Two (3) working days</i>
<i>Up to One (1) month</i>	<i>Seven (7) working days</i>

14. With regard to clause 14 'Procedure for grant of Green Energy Open Access' of Draft Regulation

Draft Regulation

14.2 The application shall be forwarded to the concerned State Nodal Agency by Central Nodal Agency for further verification. The following schedule shall be followed for processing the application:

Sl. No	Particulars	Time-line	Remarks
1	Date of receipt of application by SNA from CNA	Zero date	
2	Acknowledgement of receipt of application	Zero date	The acknowledgement shall be provided immediately by electronic mode
3	Acceptance of application by SNA after confirming that all the relevant documents are furnished by the applicant including processing fee and BG	Within three working days from zero date	In case application is incomplete, the SNA shall inform the same in writing rejecting the application and furnishing the details of the defects. After rectifying the defects, a fresh application shall be made.
4	Forwarding of application to TSTRANSCO/ DISCOMs	Within five working days from zero date	On acceptance of the application, the same shall be forwarded to TSTRANSCO/ concerned DISCOMs for ensuring system availability and that there is no subsisting PPA for the capacity for which the OA is sought.
5	Concurrence from TSTRANSCO/ DISCOMs	Within ten working days from zero date	In case system strengthening is required, the probable date of granting OA shall be intimated to SNA within the same time. In case concurrence is not received within the specified time, SNA shall consider it to be deemed concurrence. Provided that the system studies at the drawl point to ascertain the

Sl. No	Particulars	Time-line	Remarks
			availability is not required for a consumer of the Licensee availing open access subject to the applicant furnishing the undertaking that, he would not exceed the Contracted demand specified in his supply agreement with the licensee even after opting for Open access.
6	Grant of Open access or otherwise.	Within twelve working days from zero date	The SNA shall intimate the applicant, grant of open access within the time specified. In case open access is not granted, the same shall be intimated within the above time furnishing the reasons in writing and also the probable date from which the OA can be granted. In case SNA fails to intimate the grant of OA or otherwise, within the above specified time, the same shall be deemed to have been granted, which is subject to system availability.
7	Submission of agreement by the applicant for long-term open access	Within twenty working days from zero date	The applicant shall submit copies of signed agreement to the SNA/parties to the agreement in the standard format approved by Commission. In case the applicant fails to submit OA agreement within the specified time, failing which the open access granted or deemed to have been granted shall stand cancelled.
8	Submission of signed copies of agreement by TSTRANSCO/ Concerned DISCOMs	Within twenty- five working days from zero date	In case TSTRANSCO/DISCOMs fails to submit the copies to the SNA within the specified time, the OA agreement is deemed to have been approved.
9	Effective date of wheeling	In case SNA receives the copy of the agreement signed by the applicant, the effective date of commencement of operation of wheeling of electricity by the applicant shall be the next date from the date of submission of signed copy of the agreement to the SNA. Provided that the above effective date for commencement of	The applicant is allowed to wheel the energy from the effective date.

Sl. No	Particulars	Time-line	Remarks
		wheeling operation shall also be applicable for banking.	

... ..

14.5 *An application for long-term GEOA & medium-term GEOA shall be accompanied by a Bank Guarantee (BG) of Five thousand rupees per MW, which shall be kept valid and subsisting till the signing of agreement for wheeling of electricity and such BG shall be encashed by Nodal Agency, if the application is withdrawn by the applicant prior to the signing of such agreement. On signing of the agreement for wheeling of electricity, the BG shall be returned immediately to the applicant by the State Nodal Agency.*

... ..

14.10 *Any energy injected into the licensee's network from the date of grant of open access till the date of submission of agreement for wheeling, the applicant is entitled for payment of energy charges at Average Pooled Purchase Cost (APPC) rate or 75% of the generic tariff determined by the Commission for the relevant year for the relevant RE source, whichever is lower.*

14.13 *New generating plant(s) or generating unit(s) seeking long-term open access and entering agreement into for wheeling, shall commission such Plant(s) or unit(s) within twelve months from the effective date, failing which the open access granted shall be deemed to have been cancelled, to avoid unnecessary block of corridor.*

Comments/Suggestions

14.2(3) to make suitable changes to the clause so that the applicants are allowed to rectify the already submitted application within a specific timeline as specified by the Commission instead of submitting a fresh application. If the applicant is not able to furnish the required details in the specified time frame, then in such cases the application to be rejected by the SNA.

14.2(5) The entire open access approval/renewal process should be completed in 30 days. Further suggested for modification of the second proviso as *"Provided that the system studies at the drawl point to ascertain the availability is not required for a consumer of the licensee availing open access, subject to the applicant furnishing the undertaking that, his actual drawal from all open access should not exceed the contract demand specified in his supply agreement with the licensee even after opting for open access."*

14.2(5&6) The licensees requested that the timeline may be extended from 5 days to 15 days as it involves technical and administrative approvals and accordingly the timelines for subsequent phases are to be modified.

14.2(6) The rider *"subject to system availability"* shall be removed.

14.2(7&8) Open access agreement is first to be signed by the applicant and submitted to SNA and the same is to be forwarded by SNA to TSTransco/TSDISCOM for signing from their end. If deemed approval is

triggered, further provisions are to be specified for operationalization of the same to the consumer.

- 14.5 The Bank Guarantee (BG) should be from public sector banks with a validity period of one year (including claim period) or Demand Draft in favour of State Nodal Agency.
- 14.10 Licensees requested that any energy injected into the licensee's network from the date of grant of open access till the date of agreement may be treated as inadvertent power.
- 14.13 Keeping such stringent timeline for commissioning of solar power projects is difficult for project developers because project developer is required to take various steps like acquisition and leasing of land, financial closure of projects, tying-up PPA with consumers, Regulatory hurdles in getting open access approval, etc. As such, and as per MoP notification dated 28.07.2023 for guidelines for tariff based competitive bidding process for procurement of power from grid connected solar PV power projects has granted twenty-four (24) months from the date of execution of PPA if the project capacity is less than 1000 MW and thirty (30) months if the project capacity is more than 100 MW. Accordingly, to modify the clause 14.13 as

New generating plant(s) or generating unit(s) seeking long-term open access and entering agreement into for wheeling, shall commission such plant(s) or unit(s) within twenty-four (24) months from the effective date, failing which the open access granted shall be deemed to have been cancelled, to avoid unnecessary blocking of corridor.

Commission's View

The Commission views that there is no merit in stakeholders' comments/suggestions, hence retained all the sub-clauses.

15. With regard to clause 15 'Procedure for applying for Day ahead GEOA transactions' of Draft Regulation

Draft Regulation

- 15.3 *Non-refundable fee of One thousand rupees for each transaction shall be paid by the applicant, in cash or by way of demand draft or proof of payment through electronic transfer in favour of the SNA.*

Comments/Suggestions

The Licensee has suggested to enhance the Fee from Rupees One thousand to Rupees five thousand.

Commission's View

The Commission is not inclined to accept the suggestion of the licensee and hence retained the clause.

16. With regard to clause 16 'Open Access Agreement' of Draft Regulation

Draft Regulation

- 16.1 *Based on the intimation by the Nodal Agency to the open access applicant, the applicant shall execute an open access agreement with*

the concerned Licensee(s), which shall broadly set out the information as given in Annexure-2 to this Regulation.

- 16.2 *The open access agreement referred to in clause 16.1 shall be bipartite, tripartite or multi-partite involving the applicant, the concerned Distribution Licensee in whose area of supply the applicant's exit points is located and the concerned Transmission Licensee or Licensees. The Open Access Agreement shall clearly bring out the rights and obligations of all parties with respect to exit points on transmission and distribution systems separately.*

Comments/Suggestions

A new clause may be added as:

“Open Access Agreement shall be executed for Long-Term/Medium-Term Open Access within a period of thirty (30) days from receiving the open access approval from the Nodal Agency failing which the Nodal Agency has the right to cancel the approval without any further notice.”

In case where the open access applicant's entry point and exit point are located in different DISCOMs, then the open access agreement shall be entered between the applicant, Transmission Licensee and both the entry & exit point DISCOMs. Hence, the clause may be modified as

“The open access agreement referred to in clause 16.1 shall be bipartite, tripartite or multi-partite involving the applicant, the concerned Distribution Licensees in whose areas of supply the applicant's entry point & exit point(s) are located and the concerned Transmission Licensee or Licensees. The Open Access Agreement shall clearly bring out the rights and obligations of all parties with respect to entry and exit points on transmission and distribution systems separately.”

Commission's View

The Commission, aiming for a uniform approach to both Green Energy Open Access and Non-green Energy Open Access, has revised clause 16.1 as suggested by the stakeholder. Now, based on the State Nodal Agency's intimation, the open access applicant must execute an open access agreement with the concerned Licensee(s), as detailed in Annexure-2 to this Regulation. If the applicant fails to approach the Licensees within 30 working days from the grant of LTOA/MTOA, the approval be cancelled without further notice. The Commission has also accepted the stakeholder's suggestion to include the entry point in the agreement, making the distribution licensee at the entry point a party to the agreement. The last sentence of clause 16.2 has been removed since the model agreement is included in the Regulation. The revised clauses specify that the open access agreement can be bipartite, tripartite or multi-partite, involving the applicant, the Distribution Licensee where the applicant's entry and exit points are located, and the concerned Transmission Licensee(s). If the applicant's entry and exit points are within the same Distribution Licensee's system (at voltages 33 kV and below), the applicant only needs to execute an agreement with that Distribution Licensee.

17. With regard to clause 17 ‘Metering’ of Draft Regulation

Draft Regulation

17.1 *All Long-Term, Medium-term and Short-Term open access users shall provide special energy meters capable of measuring active energy, reactive energy, average frequency and Demand integration in each 15-minute time block, with a built-in calendar and clock and conforming to BIS/CBIP Technical Report/IEC standards at all entry and exit points. This shall however be subject to the Regulations to be made by the Central Electricity Authority (CEA) under Section 55 of the Act.*

Comments/Suggestions

Captive consumers with contract demand below 100 kW are eligible for open access as per the Rules. However, there are serious concerns regarding safety, metering, scheduling for those with contracted demand below 100 kW which are not addressed in the Draft Regulation. Separate provisions, procedures and formats are required to streamline these processes.

Commission’s View

The Commission, in order to have more clarity and to maintain uniformity of metering to all the Open Access users, has modified the clause as shown below:

17.1 *All LTOA, MTOA and STOA users (including captive consumers, full and partial Open Access consumers and GEOA consumers) shall provide Special Energy Meters (SEMs) as per the Central Electricity Authority Metering Regulations made under Section 55 of the Act at all entry and exit points.*

18. With regard to clause 18 ‘Procedure for determining the available capacity of transmission and distribution (T&D) networks’ of Draft Regulation

Draft Regulation

18.5 *The Nodal Agencies and Transmission/Distribution Licensees shall post details of available capacity on their respective websites, including the details of open access transactions permitted on different Licensees’ networks with their respective entry and exit points, etc. on daily basis*

Comments/Suggestions

The licensees suggested that the time line for posting details of available capacity, including the details of open access transactions permitted on different Licensees’ networks with their respective entry and exit points, etc. on their respective websites once in every six (6) months may be modified in place of on a daily basis.

Commission’s View

The Commission has taken note of the difficulties expressed by the licensees and modified the clause accordingly as shown below:

“19.5 *The SNA and Transmission/Distribution Licensee(s) shall post details of available capacity on their respective websites, including the details of open access transactions permitted on different licensees’ networks with their respective entry and exit points, etc. on monthly basis.*”

19. With regard to clause 19 ‘Underutilization’ of Draft Regulation

Draft Regulation

19.1 *In the event a user expects to underutilize the capacity contracted under open access, the user may surrender a part of the capacity subject, however, to an advance notice as set out in the terms of the open access agreement, along with an explanation for such underutilization.*

19.2 *In the event of underutilization of the capacity contracted by the open access user, which, if made available, could be used to meet requirements of other applicant(s), the concerned licensee may file an application with the Nodal Agency to reduce or cancel the capacity allocated to the open access user:*

Provided that the Licensee shall not so approach the Nodal Agency without first issuing a notice to the concerned user as set out in the open access agreement:

Provided further that the Nodal Agency shall not reduce or cancel the capacity allotted without giving a notice of at least 15 days, in advance, to enable the concerned open access user to file his objections if any in writing.

19.3 *In the event of user’s surrender of whole or part of contracted capacity as per clause 19.1, or reduction/cancellation of the capacity allotted to the user as per clause 19.2, the user shall pay compensatory charges to the licensees concerned as follows:*

(a) *An amount equivalent to 50% of current application fee for Long-Term or Medium-term or Short-Term users, as the case may be, if all the capacity surrendered or reduced/cancelled is fully re-allotted to other applicants within the notice period so given by the user or the licensee, as the case may be.*

(b) *If the capacity surrendered or reduced/cancelled could not be fully re-allotted to other applicants within the notice period, then –*

(i) *In case of Long-Term and Medium-term users, the user shall, as a one-time exit fee, pay 25% of the transmission charges and/or wheeling charges as the case may be, and the scheduling and system operation charges in force at that point in time, applied on the capacity that could not be re-allotted for the remaining term of the agreement; and*

(ii) *In case of Short-Term users, the user shall bear the full transmission charges and/or wheeling charges, as the case may be, and the scheduling and system operation charges in force at that point in time, applied on the capacity that could not be re-allotted for the remaining term of the agreement.*

Comments/Suggestions

A stakeholder proposed a provision for the relinquishment of Long-Term Open Access (LTOA) and Medium-Term Open Access (MTOA), and for surrendering their booked transmission capacity. Another stakeholder sought clarification on the settlement modalities for the one-time exit fee paid by long-term and medium-term users, particularly when stranded capacity is re-allocated to other

users during the remaining term of the agreement. The licensee suggested that the relinquishment charges should align with the CERC (Connectivity and General Network Access to the inter-State transmission system) Regulations, 2022.

Commission's View

The Commission has taken note of the submissions of stakeholders and licensees and is of the view to retain the clause.

20. With regard to clause 20 'Flexibility to change entry and exit points' of Draft Regulation

Draft Regulation

20.1 *The Long-Term and Medium-term users including Green Energy Open Access users shall have the flexibility to change entry and/or exit points twice a year subject to the results of system impact studies to be carried out by the concerned Licensees at the behest of such users. All expenses incurred by the Licensees to carry out such studies shall be reimbursed in full by such users.*

20.2 *A Short-Term user including Green Energy Open Access users cannot change entry and/or exit points as granted in the approval.*

Comments/Suggestions

A stakeholder commented that the flexibility to alter entry and/or exit points depends on the available transmission capacity and the provisions when these points fall under different distribution licensees or States. The licensees proposed changing the time period to once every two years instead of twice a year to prevent frequent changes in entry and/or exit points, which require substantial manpower and load flow studies for technical feasibility.

Commission's View

The Commission has taken note of the submissions of stakeholders and licensees and is of the view to retain the clause.

21. With regard to clause 21 'Open Access charges' of Draft Regulation

Draft Regulation

21.1 *The charges for the use of the transmission and/or distribution system by an open access user shall be regulated as under:*

(i) *Open Access users connected to the transmission/distribution system shall pay the transmission charges and/or wheeling charges and any other applicable charges as determined by the Commission from time to time, and notified in the relevant Tariff Order or otherwise, and as per the conditions stipulated therein:*

Provided that the wheeling charges so payable shall be subject to a minimum level, as fixed by the Commission in the relevant Tariff Order or otherwise.

(ii) *In case of utilization of inter-state transmission system in addition to the intra-state transmission system and/or distribution system by an open access user, the transmission charges and/ or wheeling charges shall be payable for the use of intra-state*

system in addition to the charges for utilization of the inter-state transmission system.

- (iii) *The Open access users of the Transmission and/or Distribution System where such open access is for delivery of electricity to the consumer's premises in the area of supply of a distribution licensee, shall pay to the distribution licensee the (cross-subsidy) surcharge as determined by the Commission from time to time under Section 42(2) of the Act:*

Provided that the cross subsidy surcharge for Green Energy Open Access Consumer purchasing green energy, from a generating plant using renewable energy sources, shall not be increased, during twelve years from the date of operating of the generating plant using renewable energy sources, by more than fifty percent of the surcharge fixed for the year in which open access is granted;

Provided also that in case within the 12 years as mentioned in the first proviso, the Green Energy Open Access Consumer shifts to other Open Access source(s) of green energy other than the generating plant at different tenure in continuous or intermittent phase then also the start date of open access for such facility of limitation of cross-subsidy surcharge within 50% of the first year shall remain unchanged.

Provided also that in case within the above mentioned 12 years, the power is drawn from open access sources other than green energy, such ceiling of 50% increase in cross-subsidy surcharge within next 12 years will not be applicable on such power drawal.

Provided also that cross subsidy surcharge shall not be applicable in case power produced from a Waste-to-Energy plant is supplied to the Open Access Consumer.

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

No surcharge shall be levied in case open access is provided to a captive user for carrying the electricity produced in a Captive Generating plant for his own use. Provided that such exemption shall be available only for captive use of electricity in compliance with the requirements of Electricity Rules, 2005.

- (iv) *The Open Access user shall also be liable to pay additional surcharge on charges of wheeling as may be specified by the Commission from time to time under section 42(4) of the Act, in case open access is sought for receiving supply from a person other than the distribution licensee of such consumer's area of supply, to meet the fixed cost of the distribution licensee arising out of his obligation to supply;*

Provided that additional surcharge shall not be applicable for Green Energy Open Access consumer, if fixed charges are being paid by such a consumer.

Provided also that additional surcharge shall not be applicable in case power produced from a Waste-to-Energy plant is supplied to the Open Access Consumer.

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

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 Open Access Consumers.

(v) *Where an electrical plant or electrical line is to be constructed by the Licensee in order to extend power supply to an open access user, the Licensee may recover such expenditure as per the (Licensee's Duty for Supply of Electricity on Request) Regulation, 2004(Regulation No.3 of 2004)*

(vi) *If network augmentation is required for providing access to an applicant, the Licensee shall carry out such augmentation only if (a) the Licensee can recover within a reasonable time the costs, the capital investment and a reasonable rate of return on the capital investment in respect of the augmentation, and (b) the Licensee has the ability to raise funds to finance such capital expenditure:*

Provided that the Licensee may require the open access user to make a capital contribution towards such network augmentation.

(vii) *Scheduling and system operation charges shall be payable by all open access users under scheduling by SLDC. Such charges shall be governed by the relevant Regulations issued by the Commission.*

(viii) *The standby charges, wherever applicable, shall be specified by the State Commission and such charges shall not be applicable if the Green Energy Open Access Consumers have given notice, in advance at least twenty four hours before the time of delivery of power, for standby arrangement to the distribution licensee:*

Explanation: For the purposes of this Regulation,

(a) *The expression —standby chargesll means the charges applicable to open access consumers against the standby arrangement provided by the distribution licensee, in case the open access consumer is unable to procure power from the generating sources with whom they have the agreements to procure power due to outages of generator, transmission assets and the like.*

(b) *It is hereby clarified that in such situations the open access 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.*

Comments/Suggestions

The sub-clause wise stakeholders' comments/suggestions are as follows:

- 21.1(i) The transmission charges (or any other charge) applicable on STOA shall be computed and levied in Rs./kWh. Whereas the licensees suggested that new clause to be added that "*Facilitation Charges*" for open access consumers/generators, as more number of officials are involved at each state of processing open access facility to the consumer/generator. Further, to modify the expression "*shall pay the transmission charges and/or wheeling charges and any other applicable charges*" as "*shall pay the transmission charges and/or wheeling charges and security deposits (for Transmission charges, SLDC charges and distribution charges as applicable) and any other applicable charges.*"
- 21.1(iii) Some of the stakeholders suggested to modify the first proviso as "*Provided also that in case within the above mentioned 12 years, the power id drawn from open access sources other than green energy, such ceiling of 50% increase in cross-subsidy surcharge within next 12 years will not be applicable on such power drawl from other non-green energy sources.*" Also suggested to modify the last paragraph as "*No surcharge shall be levied in case open access is provided to originally a captive user or a third-party user converted to captive user, for carrying the electricity produced in a captive generating plant for his own use of electricity in compliance with the requirements of the Electricity Rules, 2005.*" Further, suggested to cap the cross subsidy surcharge with reference to ACoS, in line with the Electricity (Amendment) Rules, 2022. The other stakeholders suggested to remove the ambiguity of interpretation and computation, the CSS and AS for GEOA should be applicable upto 25% of CSS & AS as decided by the Commission for the respective year and it should be irrespective of number of years from the CoD. Also suggested that for effective way of operationalizing the ceiling proposed on CSS in the Electricity Rules without the added operational challenge of linking it to the commissioning date of the generator, CSS could be fixed at a rate adequate to compensate TSDISCOMs in the year in which open access is availed, however it should not increase by more than 50% for 12 years from the beginning of open access.
- 21.1(iv) Some of the stakeholders suggested that –
- To modify the first proviso as per the Hon'ble Supreme Court judgment dated 10.12.2021 in Civil Appeal No.5074-5075 of 2019 against MSEDCL Vs. JSW Steel Ltd. & Others (2022 2 SCC 742, as "*Provided that additional surcharge shall not be applicable for GEOA consumer, if fixed charges or demand charges as determined by the State Commission for the respective consumer category in the respective year retail supply tariff order, are being paid by such a consumer.*"
 - In line with the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 dated 06.06.2022, suggested to modify that "*Provided further that the additional surcharge shall not be applicable for GEOA consumers, if fixed charges are being paid by such a consumer i.e., GEOA*

consumers utilizing the open access within the contracted demand.”

- Whereas, the licensees suggested that a suitable mechanism to be designed to recover the entire fixed costs by the distribution licensee in accordance with the Section 42 of the Electricity Act, 2003.
- To add proviso that additional surcharge shall not be leviable in case open access is provided to a person who has established a captive generating plant for carrying the electricity to the destination of his own use.
- Given the reduction in back-down thermal capacity with time, additional surcharge should be phased out for all open access consumers or alternatively it can be levied for other services such as Rs./kVA charge for renewable energy capacity contracted beyond the contracted demand as is being done in Gujarat.
- It is suggested that additional surcharge shall also be applicable in case of electricity produced from solar projects. However, the customer having already the contracted demand with the distribution licensee, in the absence of power from open access and notice served in advance by the consumer the distribution licensee should provide the standby power and the standby charges should be as per the normal applicable tariff for that category of consumers (since the distribution licensees are already levying the additional surcharge to recover the fixed charge due to open access.

21.1(viii) Some of the stakeholders suggested to add the following provision *“Provided that such standby charges are not applicable when the GEOA is sought within the CMD of consumers.”* The other stakeholders suggested that all the open access consumers are deemed to connected with distribution licensee by maintain the CMD by paying the fixed charges/minimum charges besides energy charges to TSDISCOM for arrangement of power over and above the open access allocation and power in case of generator outages and requested to not to impose any standby charges for open access consumers for standby arrangements. Whereas the licensee suggested that the Commission shall come-up with a mechanism for levying standby charges, which is cost reflective and sufficiently compensatory for the distribution licensees, as MERC levies a three-tier standby charge for captive users.

Commission’s View

21.1(i) In the matter of ‘Facilitation Charges for open access consumers’ the Commission reiterates its stand taken in Tariff Order (Retail Supply Tariffs & CSS for FY 2022-23) dated 23.03.2022 which is reproduced below:

6.28.4 *The DISCOMs proposal is to recover the expenses for providing OA facility are of the nature of O&M expenses as well as capital expenses which are covered in wheeling charges. Therefore, the Commission does not find merit in the DISCOMs proposal for levy of Facilitation Charges.*

21.1(iii),(vi)&(viii) The Commission has taken note of the other submissions of stakeholders and licensees and is of the view to retain the clause.

22. With regard to clause 22 ‘Payment terms and conditions’ of Draft Regulation

Draft Regulation

22.1 *In case of Long-Term and Medium-term users, the concerned Distribution Licensee may invoice a user in respect of the open access charges as set out in clause 21 of this Regulation and the open access user must pay those charges, in accordance with the procedures set out in the open access agreement between the Licensees and the user:*

Provided that the Distribution Licensee shall have appropriate back-to-back arrangements in place with the Transmission Licensee(s) in order to pass on the transmission charges so collected from the user to the concerned Transmission Licensee.

... ..

22.6 *For the purpose of clause 22.5 above, a consumer using the Transmission and/or Distribution systems for his total power requirements without any contracted maximum demand (CMD) from the Distribution licensee shall be deemed to be a consumer of the distribution licensee in whose area the consumer is located.*

Comments/Suggestions

22.1 The stakeholders commented that the practice of collecting wheeling charges from the consumers HT bills is to be corrected as from the users.

22.6 The licensees commented that the clause to be deleted and the open access consumer has to be levied with a tariff under the temporary supply category or the highest tariff category for excess energy drawn by it in deviation to the scheduled open access energy.

Commission’s View

The Commission has taken note of the submissions of stakeholders and licensees and is of the view to retain the clause.

23. With regard to clause 23 ‘Other Matters’ of Draft Regulation

Draft Regulation

23.2 *Information requirements –*

... ..

ii) *A status report on the current long-term users indicating name of user, period of the access granted (start date and end date), point(s) of injection and point(s) of drawal, capacity contracted and applicable charges. This report shall be updated as and when the status changes;*

23.4 *Energy and Demand Billing – All open access users, and the users covered under clause 8.2, shall make reasonable endeavour to ensure that their actual demand or actual sent-out capacity, as the case may be, at an inter-connection does not exceed the Contracted Maximum Demand or allocated sent-out capacity for the inter-connection:*

Provided that for carrying out balancing and settlement of energy and demand at all entry and exit points relating to open access agreements, the license shall strictly adhere to the clauses in Part-B of this Regulation.

Comments/Suggestions

- 23.2(ii) It provides details the “Information requirements” to be publicly accessible on the websites of licensees and SLDC, without a ‘login’ mechanism. It also mandates the SLDC to publish a monthly report, along with the status report, on GEOA and non-GEOA consumption (in MUs), sorted by their term duration (short, medium, long).
- 23.4 Energy and Demand Balancing - Stakeholders commented that solar generators can provide exit point capacity based on their PLF. The supply agreement, including the contracted maximum demand, is solely for the licensee’s power supply and is unrelated to open access, provided there is available infrastructure and transmission/distribution network margin, and open access charges are paid. This clause should not be construed to prevent inter-state open access beyond the CMD with the distribution licensee, as it would conflict with the statutory right to open access under the Act, 2003 and the CERC inter-State open access regulations 2008. These regulations, governing inter-state open access, supersede any state regulations on open access, even when the state transmission network is incidentally used. The Commission clarified to TSNPDCL in a letter dated 25.07.2017 that open access can be granted beyond the consumers’ CMD, and captive wheeling can be extended as needed. Licensees noted that as meters and related equipment are designed for CMD only, users under clause 8.2 should strive to ensure their actual demand or sent-out capacity does not exceed the CMD for that interconnection.

Commission’s View

- 23.2(iii) The Commission is in agreement with the suggestion given by the stakeholder to have segregation of information of green and non-green OA, and thus modified the clause as shown below:
- “A status report with segregation of GEOA and non-GEOA on the current LTOA and MTOA users indicating name of user, period of the access granted (start date and end date), point(s) of injection and point(s) of drawal, capacity contracted and applicable charges. This report shall be updated on monthly basis;”*
- 23.4 The Commission has taken note of stakeholders and licensees comments and decided to retain the sub-clause.

24. With regard to clause 25 ‘Scheduling’ of Draft Regulation

Draft Regulation

- 25.1 *Each Open Access Generator, Scheduled Consumer and OA Consumer shall provide a Wheeling Schedule in the format as at Appendix–1(a), to the SLDC/DISCOM for each fifteen (15) minute time block for a day, on a day-ahead basis by 10:00 a.m. on the day preceding the commencement of the first time block for which the wheeling of energy*

is scheduled, with a copy each to the State Transmission Utility (TSTRANSCO) and the concerned DISCOM;

Comments/Suggestions

- 25.1 Stakeholders suggested that the capacity limit of up to 5 MW should be revised to less than 5 MW. Whereas licensees suggested that the clause for submitting schedules for capacities up to 5 MW should be amended to 10 MW, aligning with several other States. For settlement purposes, the actual generation will be apportioned for each time block of the month, and deviations will be accordingly reckoned. As per the CERC – IEGC Regulations 2023, clause 49(1)(f), SLDC should furnish time block-wise requisition for drawl to the concerned RLDC by 8 AM of ‘D-1’ day on behalf of intra-State entities which are drawee GNA grantees. As per clause 49.1(i), SLDC should furnish time block-wise requisition for drawl to the concerned RLDC by 9.15 AM of ‘D-1’ day on behalf of intra-State entities which are T-GNA grantees. Therefore, Open Access consumers, scheduled consumers, generating stations, or Licensees should intimate their Day ahead schedule to the Distribution Licensee/TSSLDC by 07:00 Hrs of the preceding day for scheduling, as the DISCOM has to furnish requisitions by 8:00 Hrs.

Commission’s View

The Commission has modified the clause in the Regulation keeping in view of the suggestions received from stakeholders and as per CERC IEGC Regulations as shown below:

Each Open Access Generator and Open Access Consumer shall provide a Wheeling Schedule in the format as at Appendix– 1(a), to the TSSLDC/TSDISCOM for each fifteen (15) minute time block for a day, on a day-ahead basis by 07:00 a.m. on the day preceding the commencement of the first time block for which the wheeling of energy is scheduled, with a copy each to the State Transmission Utility (TSTRANSCO) and the concerned DISCOM.

At this point, the Commission does not intend to increase the capacity from 5 MW to 10 MW.

25. With regard to clause 26 ‘Allocation of Capacity by OA Generators’ of Draft Regulation

Draft Regulation

... ..

- 26.2 *The OA Generator shall also indicate the allocated capacity in kW at the exit point(s) for each consumer in the Format at Appendix - 1 (a) using the loss levels as specified in the applicable Tariff Order of the Commission. The energy account of the billing month shall be finalized based on the transmission and distribution losses specified by the Commission in the applicable Tariff Order.*

... ..

Comments/Suggestions

- 26.2 Does the loss level mean only the transmission and distribution loss?

Commission's View

26.2 It is clear that the loss levels are loss levels as specified in the applicable Tariff Order and as shown in Appendix-1(b) 'Computation of Net capacity at the Exit point', the loss levels are Transmission loss and distribution loss.

26. With regard to clause 27 'Revision of Wheeling Schedule' of Draft Regulation

Draft Regulation

27.1 *In case of any system constraint, the SLDC/DISCOM may modify the schedules of Open Access Generators, Scheduled Consumers and/or the OA Consumers, as the case may be, at any time in accordance with this Regulation and the Grid Code Regulation, which shall be conveyed to them. Compliance with the instructions of SLDC shall not be reckoned as a deviation by the concerned Generator/Consumer from the schedule. The Open Access Generator, Scheduled Consumer or OA Consumer, shall not, however, be entitled to revise a wheeling schedule during the course of a day.*

Comments/Suggestions

27.1 SLDC shall allow the OA generator, maximum revisions in a day with a prior intimation to SLDC.

Commission's View

27.1 The Commission opines that the sub-clause itself is self-explanatory with regard to revision of wheeling schedule.

27. With regard to clause 28 'Meter reading, Energy Accounting and Settlement' of Draft Regulation

Draft Regulation

28.3 *The monthly meter readings shall be taken by the respective DISCOM at all the entry points at 33 kV and below and at all the exit point(s) of the Open Access Generators located in its licensed area, as identified in the wheeling schedules. Where, however, the entry point is connected to the Transmission system, such monthly readings shall be taken by the Transmission Licensee:*

Provided that the readings for each time block shall be retrieved through a Meter Reading Instrument (MRI) or otherwise by the respective Licensees mentioned above once in a week and shall be transmitted to the SLDC. The meter readings as and when taken shall also to be made available to the Open Access Generator/Consumer in whose premises the readings are taken, or to his representative, if available.

In case of failure of metering equipment or non-availability of MRI data, a suitable methodology as approved by the Commission may be employed for finalising the energy account.

Comments/Suggestions

28.3 The MRI data should be submitted to SLDC on a monthly basis. Additionally, a suitable methodology needs to be defined for finalizing

the energy account in scenarios where the metering equipment fails or metering data is unavailable.

Commission's View

28.3 The Commission opines that the sub-clause itself is self-explanatory with regard to meter reading, energy accounting and settlement.

28. With regard to clause 29 'Settlement of energy/Demand at exit point in respect of Scheduled consumer' of Draft Regulation

Draft Regulation

29.1 *The Scheduled energy (in kWh) at exit point shall be calculated for each time block from the scheduled capacity (kW) at the Exit point, as provided in the wheeling schedule, by multiplying it with the period of time block in hours.*

29.2 *The Scheduled demand at exit point shall be calculated by dividing the scheduled capacity (kW) at exit point by the power factor for the time block, for which purpose the Power factor shall be equal to the recorded kWh divided by kVAh.*

29.3 *The Scheduled energy of a Scheduled Consumer from an OA Generator for each time-block shall be deducted from the recorded energy (in the inter-se order of such Generators, as and if intimated by the consumer, in case the consumer is availing of energy from more than one Generator) as a first charge. The balance energy shall be deemed to have been supplied by the DISCOM and shall have to be paid for as per the terms of the supply agreement with the DISCOM:*

Provided that where there is a deviation between the scheduled capacity and actual capacity being injected at an Entry point in a time block, the shortfall, if any, in the capacity allocated to the Scheduled Consumer shall be deemed to have been drawn by the Scheduled Consumer from the DISCOM and the energy corresponding to such shortfall shall be paid for by the party which has contracted for the Open Access capacity with the Licensee to the DISCOM as per the energy tariff applicable for the same consumer category of DISCOM under which the Scheduled Consumer would normally fall.

29.4 *The Scheduled demand at Exit point or the actual demand made available to a consumer from each OA Generator at that Exit point in a time-block whichever is less, shall be deducted from the recorded demand (in the inter-se order of such Generators, as confirmed by the SLDC while finalising the day-ahead schedule, in case the consumer is availing of energy from more than one Generator). The balance demand for each time-block shall be deemed to have been consumed from the DISCOM and shall be paid for as per the terms of the supply agreement with the DISCOM.*

Comments/Suggestions

29. If consumer is availing energy from multiple generators, option of priority allocation of transmission corridor should be provided. Further, inter-State transmission corridor allocation should have the priority over intra-State transmission corridor allocation.

29.2&29.3 As per SEGC, all the end users, DISCOMs, transmission licensees and STU are expected to provide local VAR compensation. The net kVAh in a time block consumed from DISCOM shall be computed as per the formula $kVAh = \text{square root of } [(total\ kWh\ form\ MRI\ data - Scheduled\ kWh)^2 + kVARh^2]$. Further, the energy schedules provided by IEX are in kWh and not kVAh. Further, the Billing demand shall be higher of actual block-wise demand recorded less open access demand availed by Scheduled open access consumer in the corresponding time block in a month or 80% of the Contract Demand with the licensee.

Commission's View

The Commission has noted the suggestions of the stakeholders, and decided to retain the clauses as of Draft Regulation.

29. With regard to clause 30 'Settlement of Energy at Exit point in respect of OA Consumers' of Draft Regulation

Draft Regulation

30.4 *The Scheduled demand at Exit point or the actual demand made available to a consumer from each OA Generator at that Exit point in a time-block whichever is less, shall be deducted from the recorded demand (in the inter-se order of such Generators, as confirmed by the SLDC while finalising the day-ahead schedule, in case the consumer is availing of energy from more than one Generator). The balance demand for each time-block shall be deemed to have been consumed from the DISCOM and shall be paid at twice the demand charges applicable for the same consumer category of DISCOM to which the OA Consumer would normally belong.*

Comments/Suggestions

30.4 One of the stakeholders suggested that the balance demand for open access consumer determined after deducting scheduled/actual demand from recorded demand should be considered as demand from DISCOM and should be charged as per normal applicable demand charges for that category of consumers. Further, if the DISCOM demand goes beyond the contracted demand with the DISCOM, then demand violation charge should be calculated as per TSERC tariff Order (refer R.P.No.1 in O.P.No.70 of 2018, dated 31.07.2023 between TSSPDCL & M/s Sugna Metal Limited).

Commission's View

The Commission is not in agreement with the stakeholder's comments/suggestion as the clause pertains to full open access consumers, who are not having a supply agreement with the distribution licensee. Hence, retained the clause.

30. With regard to clause 31 'Settlement for OA Generators at Entry Point' of Draft Regulation

Draft Regulation

31.2 *The excess drawal of energy and demand by an OA Consumer on account of under-generation by the Generator for each time block shall*

be deemed to have been drawn by the Generator (or Open Access Consumer whoever has contracted for Open Access Capacity) and shall be paid for by the Generator/Consumer as per the normal energy tariff and twice the demand charges applicable for the same consumer category to which the OA Consumer would normally belong.

- 31.3 *The underdrawals by Scheduled Consumers and/or OA Consumers shall have impact on the Generator and on the DISCOM in whose area of supply the Exit point is located. Such underdrawals at Exit point shall be treated as inadvertent energy supplied by the Generator to the DISCOM(s) and shall not be paid for by the DISCOM:
Provided that, such under drawals shall be treated as input into Banking in accordance with clause 2.1(d), if such energy is sourced from Renewable energy source.*
- 31.4 *Injection of energy by an OA Generator over and above the scheduled capacity at an Entry point shall not be accounted for. In such cases, only the scheduled capacity at exit point shall be accounted for as having been supplied by the Generator to the Scheduled Consumer or the OA Consumer, as the case may be.*
- 31.5 *In case of solar, wind and Mini-hydel generators upto 5 MW contracted capacity, the actual generation during the month shall be deemed as scheduled energy and for the purpose of settlement in respect of scheduled/OA consumer availing supply from these OA generators.*

Comments/Suggestions

- 31.2 One of the stakeholders suggested that this clause should be removed, as per the recommendations of FOR any under generation than scheduled quantum shall be settled through RE-DSM mechanism i.e., Scheduling and Forecasting Regulation. Whereas, the distribution licensee suggested to modify as 'twice energy tariff' in place of 'normal energy tariff'.
- 31.3 It is suggested that this clause should be in line with clause 33.
- 31.4 Owing to intermittent nature of RE, flexibility for banking and adjustments in the banking cycle is needed accordingly, to modify the clause by adding a provision as "*Provided that such over injection shall be treated as input not banking in accordance with clause 2.1(d), if such energy is Green Energy.*"
- 31.5 The inclusion of wind-solar hybrid systems, with or without ESS, is recommended. For solar, wind, and mini hydel generators without capacity limits, the actual monthly generation is considered as scheduled energy. For settlement purposes, the actual generation is apportioned for each time block of the month for scheduled/OA consumers using these OA generators. It's suggested to redefine "up to 5 MW" as "less than 5 MW" and to consider the generation during the time block instead of the month. The clause should be modified to: "For solar and wind OA generators up to 10 MW, the actual monthly generation is deemed as scheduled energy. For settlement purposes, the actual generation is apportioned for each time block of the month for scheduled/OA consumers using these OA generators, and deviations are calculated accordingly."

Commission’s View

- 32.2 (31.2) The Commission opines that there is no merit in the stakeholder’s and licensee’s comments/suggestions
- 31.4 The Commission observed that the stakeholder suggestion lacks merit because over injection may lead to grid security and imbalance in the network. Therefore, no change has been made in this regard and the existing provision has been retained.
- 31.5 The Commission has noted the suggestions of the stakeholders, and decided to retain the clauses as of Draft Regulation.

31. With regard to clause 32 ‘Levy of Surcharge and Additional Surcharge’ of Draft Regulation

Draft Regulation

32. *Each Open Access Generator, Scheduled Consumer and OA Consumer shall, in addition to the tariff and other charges mentioned in the preceding clauses, also be required to pay, wherever applicable, the surcharge in accordance with the provisions of the Open Access Regulation as also the applicable additional surcharge, if any, under Section 42(4) of the Act.*

Comments/Suggestions

The clause regarding surcharge on open access generators is redundant, as it is already covered in clause 21(iv). However, clarification is needed regarding the levy of surcharge. According to the Ministry of Power (MoP) notification dated 29.12.2022, the applicability of CSS (Cross Subsidy Surcharge) and AS (Additional Surcharge) should be limited to 20% of the tariff applicable to consumers seeking open access.

Commission’s View

The Commission in agreement with the stakeholders’ comments and removed the clause as it is redundant and is already covered in clause 21(iv).

32. With regard to clause 33 ‘Banking of Renewable Energy Generation’ of Draft Regulation

Draft Regulation

33. *Banking of Renewable Energy Generation:*

.....

33.3 *Banking shall be permitted on a monthly basis on collection of banking charges of 8% in kind from the energy banked by GEOA consumer.*

33.4 *The permitted quantum of banked energy by the Green Energy Open Access consumers shall be at least thirty percent of the total monthly consumption of electricity from the distribution licensee by the consumers.*

For the purposes of this rule, the expression—Banking means the surplus green energy injected in the grid and credited with the distribution licensee energy by the Green Energy Open Access consumers and that shall be drawn along with charges to compensate additional costs if any.

33.5 *The Banking settlement period shall be a calendar month. There would be no “carry forward” or “deemed purchase” of un-utilised banked quantum of energy. Such un-utilised energy shall be considered as lapsed at the end of each calendar month:*

Provided that, Green Energy Open Access consumer would be entitled to Renewable Energy Certificates to that extent.

Provided that the credit for energy banked during the month shall be adjusted during the same month as per the energy injected in the respective Time of Day (‘TOD’) slots determined by the Commission in its Orders determining the Tariffs of the Distribution Licensees:

Provided further that, the energy banked during peak TOD slots shall be permitted to draw during peak as well as off-peak TOD slot by paying the banking charges as specified in clause 33.3 of this Regulation. However, the energy banked during off-peak TOD slots shall be permitted to draw during off peak ToD slot only.

... ..

Comments/Suggestions

33.3 Stakeholders argue that the proposed increase in banking charges from 2% to 8%, the absence of carry-forward provisions for banked units, and the lack of deemed purchase for unutilized banked units contradict Section 86(1)(e) of the Act. They advocate for an 8% banking charge on all wheeled energy and oppose the proposed 30% limit on banked energy consumption. They suggest that unutilized banked energy should accumulate and be compensated at pooled cost. Some stakeholders request that the existing 2% banking charges remain unchanged, arguing that the proposed increase discourages green energy captive generators. They also recommend unrestricted withdrawal of banked energy during both off-peak and peak hours and emphasize the need for an annual banking facility for renewable energy projects.

33.4 The draft regulation’s ambiguity on energy banking during regular tariff periods necessitates an amendment: ‘Energy banking to be adjusted only during regular tariff periods.’ It’s unclear if the 30% limit for energy banking is a minimum or an upper limit, as in Punjab where it’s specified as ‘up to 30%.’ Allowing energy banking without quantum limitations—up to 100%—based on consumer electricity consumption wouldn’t be a loss for DISCOMs. The existing regulation could remain, or the clause could be modified to mandate that GEOA consumers must bank at least thirty percent (30%) of their total monthly electricity consumption.

33.5 DISCOMs should compensate developers for unutilized banked energy, paying at the Average Power Purchase Cost (APPC) and claiming Renewable Purchase Obligation (RPO) compliance. Considering the weather-dependent nature of renewable energy projects, annual banking should be contemplated. Energy banked during off-peak Time of Day (ToD) slots should be drawable during peak ToD slots, subject to additional charges specified by the Commission. Licensees propose modifying the third proviso to permit banked energy from peak ToD slots to be drawn during off-peak and normal ToD slots, and energy from normal ToD slots to be drawn during normal and off-peak ToD slots. If

allowed, consumers may be charged twice the ToD rate for drawing banked energy during peak hours.

Commission's View

The Draft Regulation's provisions align with the GEOA Rules, 2022, and the FOR methodology for calculating open access and banking charges for GEOA consumers. Therefore, the proposed provisions in the Draft Regulation have been retained.

33. With regard to clause 34 'Dispute Resolution' of Draft Regulation

Draft Regulation

34. *All disputes and complaints shall be referred to the SLDC for resolution, which shall not decide a matter without first affording an opportunity to the concerned parties to represent their respective points of view. The decisions of the SLDC shall be binding on all parties.*

Comments/Suggestions

One of the stakeholders has commented that clause 5.1 & 5.2 of Draft Regulation specify the STU as SNA for grant of LTOA and MTOA, while the SLDC is designated as SNA for grant of STOA. Therefore, referring all disputes and complaints to SLDC contradicts clause 5.1. Further submitted to provide an opportunity to open access applicant to file a petition/appeal before the TSERC against the order of the concerned nodal agency if the open access applicant is aggrieved from the findings of the nodal agency. Hence, requested to modify the clause as -

34. *All disputes and complaints shall be referred to the concerned Nodal Agency i.e., STU/SLDC for resolution, which shall not decide a matter without first affording an opportunity to the concerned parties to represent their respective points of view. The decisions of the concerned Nodal Agency i.e., STU/SLDC shall be binding on all parties.*
Petition/Appeal against an order of the concerned Nodal Agency i.e., STU/SLDC, shall be preferred before the State Commission i.e., TSERC and the decision of TSERC shall be binding on all the parties.

Commission's View

Under the sub-clauses 28.1 and 28.4, SLDC shall undertake the accounting of energy for each time block on monthly basis and shall finalize the energy account of the Open Access transactions of a billing month, as such, the Commission has retained the clause.

34. With regard to Tables 1&2 of Draft Regulation

Comments/Suggestions

- a) Application fee
i) Table-1 Sl.Nos.4,8,12, Table-2 Sl.Nos.3,6,9) determine the application fee to be paid by open access applicant having injection point located other than Telangana State and seeking open access drawal point connected to the network of distribution licensee or intra-State transmission system in Telangana State after taking into cognizance of CERC (Connectivity and GNA to the inter-State transmission system) Regulations, 2022.

- b) Documents to accompany the application
- i) Table-1, Sl.No.1 to 12 and Table-2, 1 to 9 – The list of documents to be accompanied with the application is a rigid list, as such the nodal agency cannot ask other extra documents to process the application. The need of consent to file open access application is questionable because when DISCOM/STU/SLDC does not give consent, a valid open access application itself can't be filed. In addition, there is no guidelines mentioned for issuing the consent nor any timelines defined. This makes the whole concept of setting timelines for granting OA approval in a challenging situation. Further, instead of consent, a format may be prescribed just like NOC to be issued by STU in case of inter-State open access transactions so that the nodal agency need not contact DISCOM again for processing of open access transactions to avoid delay in processing of STOA/MTOA/LTOA transactions.
 - ii) Table-1 Sl.No.10&11 – 'MTOA' is to be replaced by 'LTOA'
 - iii) Table-1&2 - No due certificate from the concerned distribution licensee(s) may be insisted at the application stage only.
 - iv) Table-1&2 - (STOA) – The following additional documents are to be enclosed.
 - NABL & Periodical test reports
 - A copy of registration with TSSLDC
 - A copy of registration with CEA portal
 - DSM & RPPO undertaking for financial year
 - A copy of vendor registration
 - v) The provision of submission of CA's certificate of shareholding pattern be deleted, if the power is sought under captive mode. Alternatively, may seek undertaking from generators at the time of making open access application stating that not less than 26% of ownership will be held by the captive users and not less than 51% of the aggregate electricity generated in such plant determined on annual basis, will be consumed for the captive use. As per the Hon'ble APTEL judgment dated 07.06.2021 passed in Appeal No.131 of 2020 in the matter of Tamil Nadu Power Producers Associations (TNPPA) Vs. TNERC & Others, wherein it is held that the open access should not be given based on the captive status of the generator.
 - vi) Without NOC from STU, the consumer is not in a position to apply GNA in CTUIL. Hence, to provide that STU-NOC for a drawee/injecting entity connected to intra-State transmission network within seven (7) days to time from the submission of NoC. In case of STU fails to provide NoC in prescribed timeline, the NoC would be considered as a deemed approval.
- c) Time frame for disposal of application (days from receipt of application in complete shape)
- i) Timeframe for processing the MTOA application may be modified to sixty (60) days.
- d) Applicable charges
- i) Table-1 Sl.No.1,5,9 - To include 'Scheduling and System Operating Charges' since SLDC monitors the entire network

- including TSDISCOM network through Data Acquisition System (DAS) and EBC wing of SLDC does the settlement of energy for single DISCOM open access transactions.
- ii) Table-1 SI.No.2,10 – ‘*Wheeling charge*’ is to be modified as ‘*Wheeling charge in respect of both distribution licensees*’, as the network of both the distribution licensees is being utilising for open access.
 - iii) In addition to the normal tariff rate as determined by the Commission Certain stakeholders to collect the deviation charges since DISCOMs have to pay huge deviation charges as per the CERC DSM Regulations, 2022.
 - iv) Table-2 SI.No.1 - To include ‘Cross Subsidy Surcharge’ and ‘Additional Surcharge’ under column ‘Applicable Charges’.
- e) Applicable losses
- i) Table-1 - Explanation under 2(w) losses definition and applicable losses in Table-1 is contradictory.

Commission’s View

- a) Application fee
- i) Table-1 SI.Nos.4,8,12, Table-2 SI.Nos.3,6,9) As the ‘nodal agency’ specified for the open access applicant having injection point located other than Telangana State and seeking open access drawal point connected to the network of distribution licensee or intra-State transmission system in Telangana State is ‘CTU’ it is specified that the ‘Application Fee’ shall be “as per CERC Open Access Regulations’. Hence, retained the same.
- b) Documents to accompany the application
- i) Table-1, SI.No.1 to 12 and Table-2, 1 to 9 - In agreement with the stakeholders’ suggestion and to remove redundancy in obtaining the consent from licensee(s), the requirement of consent from licensee(s)/STU/SLDC along with the application form is removed.
 - ii) SI.No.10&11 – In agreement with the comments of the stakeholders ‘MTOA’ is replaced with ‘LTOA’.
 - iii) In agreement with the stakeholders’ suggestion added a new sub-clause 6.3 under clause 6 ‘*Criteria for allowing Open Access to transmission and/or distribution systems*’, as shown below:
“6.3 *The Open Access applicant shall clear all the dues with the distribution licensee at the time of making an application for Open Access approval to the SNA.*”
 - iv) (STOA) – The Commission has retained the documents to accompany the application seeking for STOA.
 - v) The provision of submission of CA’s certificate of shareholding pattern is retained as the Table-1 and Table-2 are of general in nature and common for all the open access users and is not specific for captive user.
 - vi) To apply for GNA in CTUIL the provisions in CERC (Connectivity and GNA to the inter-State transmission system) Regulations, 2022 are applicable.

- c) Time frame for disposal of application (days from receipt of application in complete shape)
- i) The Commission is not in agreement with the stakeholders suggesting for modification of timeframe for processing the MTOA application to sixty (60) days and is retained as thirty (30) days as in Draft Regulation.
 - ii) A typo error that mentioned 120 days for disposal of LTOA application has been corrected as sixty (60) days for disposal of LTOA application from the date of receipt of application.
- iii) Applicable charges
- i) Tabel-1 SI.No.1,5,9 (9,5,1) - The Commission is not inclined to include 'Scheduling and System Operating Charges' since injection and drawal points considered to be connected to network of same distribution licensee. Hence, retained the same.
 - ii) Table-1 SI.No.2,10 (10,6) – In agreement with the licensees comments 'Wheeling Charges' is modified as 'Wheeling Charges of both distribution licensees'.
 - iii) Table-1 &2 - To have more clarity on the Applicable Charges "Imbalance and Reactive Energy Charges as applicable" is modified as "Imbalance/Deviation and Reactive Energy Charges as applicable".
 - iv) Table-2, SI.No.1 – In agreement with the stakeholders' comments 'Cross Subsidy Surcharge' and 'Additional Surcharge' are included under column 'Applicable Charges'.
- e) Applicable losses
- i) The Commission has taken note of the suggestion of the stakeholder on account of losses for wheeling of electricity through more than one distribution licensees and in order to provide more clarity modified the first point in explanatory note as follows:
"If the wheeling of electricity is through the distribution system of more than One distribution licensee or if the entry/exit point is connected to EHT system, the losses would include the transmission loss and the distribution loss up to the voltage level of both distribution licensees."
 Further, to have more clarity 'Applicable Losses' against SI.Nos.1,5,9 (9,5,1) of Table-1 are modified as "Distribution loss in kind at relevant voltage level at exit/entry point whichever is lower", where the injection and drawal points considered to be connected to network of same distribution licensee.
 ** The figures shown in brackets are pertaining to corresponding figures in the Final Regulation, as the Order of open access in final Regulation is shifted as LTOA, MTOA and STOA (in place of STOA, MTOA and LTOA as in Draft Regulation).

35. With Regard to Annexures

Comments/Suggestions

- a) Format-ST1 "Application for Grant of STOA" of Draft Regulation
- i) For generator the following details are required such as –
 Name of the Generator :

Type of Generator (RE or Non-RE) :
Type of Generator in RE :
DISCOM Name :
H.T.SC.No. :
Total power generation capacity (MW) :
Auxiliary power consumption (MW) :
Captive power consumption (MW) :
Exportable Capacity (MW) :
Connecting Substation Name :
Connection Substation Voltage :
Feeder Name :
Feeder Voltage :
Feeder Type (dedicated/express/mixed) :
Non-refundable online Application fee :
paid particulars UTR/NEFT No. & Date
Meter Details
Main Meter :
Check Meter :
Standby Meter :
Meter class of Accuracy :
CTs class of Accuracy :
PTs class of Accuracy :

- ii) Sl.No.10 - 'Open access sought from' in table heading the word 'Capacity' may be replaced by 'Open Access Capacity'

b) Format-ST2 of Draft Regulation

- i) Sl.No.8 - Approval for STOA (to be issued by SLDC) - Requested to delete the table columns viz., revision no., etc.
- ii) Enclosures to Format ST2 – Schedule of Payments - Licensees requested to allow individual invoice method of billing to (TSTransco, TSSLDC and TSDISCOMs)

c) Format-ST1 & ST2 of Draft Regulation [Sl.No.8 of Format-ST1 and Sl.No.7 of Format-ST2]

- i) Some stakeholders have submitted that as per the CERC (Connectivity and General Network to the inter-State Transmission System) Regulations, 2022, it is not required to specify the exact injection point while availing GNA with limitation to keep total drawal within the GNA allowed, this provides flexibility to consumers to procure power from different sources during different time blocks and also in turn enable optimal utilization of the system. Similar provision may be introduced to align with the CERC Regulations, which would enable consumers to procure power under open access from different time period without having to avail multiple open access and pay multiple open access charges

d) Format LT/MT (Application form to be submitted by the open access application to STU) of Draft Regulation

- i) Sl.No.4 – As either buyer or seller applies for open access the following modifications suggested

- Two rows 'Buyer' and 'Seller' to be clubbed as single 'Buyer/Seller'
 - 'Valid Upto' to be replaced with 'Valid Period'
 - 'Maximum Demand (MW)' to be replaced with 'Capacity (MW)'
- ii) Sl.No.7 – to be deleted as the details of 'power transfer requirement' are not required as the open access is applied for the contracted capacity.
- iii) Sl.No.9 – in table heading Capacity (MW) to be replaced with 'Open Access Capacity (MW)'
- iv) Sl.No.10 & 11 – Table format for Metering arrangement & Meter details is to be modified for details of meters, CTs, PTs with columns as main meter, check meter, standby meter, CT, PT
- v) Sl.No.12 – to be deleted as this information is covered in Sl.No.11.
- vi) Sl.No.13 – to be deleted as this information is already sought under Sl.No.4.
- vii) Sl.No.14 – to be deleted as the details in the table are not required as the application is for open access for contracted capacity and the details of injecting utility(ies) are already covered in Sl.No.10.
- viii) Sl. No.17(c&d)– blanks '____' are to be filled by word 'TSTransco'.
- e) Format of Banking Agreement for in-house Captive Generator of Draft Regulation
Licensees suggested that since the banking provision is provided only for the in-house generating plants, the provision of separate HTSCNo., CMD and Connected substation for entry and exit points in the Schedule may be deleted.
- f) Format for Open Access Agreement of Draft Regulation
- i) Article 2.2(b) Typographical error '*share*' to be replaced with '*bear*'
- ii) Article 4.1 The start date and end date of open access agreement are to be mentioned, accordingly the expression '*from the effective date upto*' to be replaced by '*from _____ to _____*'
- iii) Article 4.2 As per clause 16.4, LTOA agreement can be renewed for a further term of two years or more and MTOA agreement can be renewed for a further term of one year or more. Hence, the Article 4.2 may be modified by replacing the expression '*two years or more*' by '*one year or more/two year or more respectively*'.
- iv) Article 5.1 for raising transmission and SLDC charges directly by TSTransco the necessary modification is required for Article 5.1

Commission's View

- a) Format-ST1 "Application for Grant of STOA" of Draft Regulation
- i) By taking note of licensee's suggestion, incorporated a provision at Sl.No.5 of ST1 'Details of Generator' < Type/capacity/service no./Gen cap/aux/captive cons/exportable cap/feeder name/ Feeder voltage Feeder type/Meter details >
 - ii) Sl.No.10 – As the application itself is for seeking open access, in the table heading the word '*Capacity*' is retained.
- b) Format-ST2 of Draft Regulation
- i) Sl.No.8 - Approval for STOA (to be issued by SLDC) – retained the table columns viz., revision no., etc.
 - ii) Enclosure to Format-ST2 – Schedule of Payments – the Commission is not inclined to allow individual invoice method of billing (TSTransco, TSSLDC and TSDISCOMs) and hence retained the Schedule of Payments to be enclosed for each month by SLDC along with Format-ST2.
- c) Format-ST1 & ST2 [Sl.No.8 of Format-ST1 and Sl.No.7 of Format-ST2] of Draft Regulation
- i) CERC's GNA Regulation is for inter-State open access transactions whereas for intra-State open access transactions, it is necessary that the applicant to furnish the details of Injecting/ Drawee Connectivity with intra-State System. Hence, the Commission has retained the same.
- d) Format LT/MT (Application form to be submitted by the open access application to STU) of Draft Regulation
- i) to ix) Since there is no proper justification from the licensee, all the sub-clauses are retained.
- e) Format of Banking Agreement for in-house Captive Generator of Draft Regulation
- The Commission is not in agreement with the licensees' suggestion and decided to retain the provisions in the Schedule of Banking Agreement.
- f) Format for Open Access Agreement of Draft Regulation
- i) Article 2.2(b) Typographical error has been rectified.
 - ii) Article 4.1 Since there is no proper justification the Article is retained.
 - iii) Article 4.2 By taking note of licensee's suggestions, altered Article 4.2
 - v) Article 5.1 Retained the clause consequent to retaining enclosures to format-ST2 – Schedule of Payments.

Sd/- (BANDARU KRISHNAIAH) MEMBER	Sd/- (M. D. MANOHAR RAJU) MEMBER	Sd/- (T. SRIRANGA RAO) CHAIRMAN
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ANNEXURE-I

List of stakeholders who submitted written suggestions/comments against the Public notice dated; 02.09.2023 on Draft TSERC (Terms and Conditions of Open Access), Regulation, 2023.

Sl. No	Name of the Stakeholder & address
1	M/s Amplus Energy Solutions Private Limited, Registered Office: A-57, DDA Sheds, Okhla Industrial Area, Phase II, New Delhi 110 020.
2	M/s Arhyama Solar Power Pvt. Ltd., #1-8-31 to 41, III Floor, Kapadia Towers, Lane Opp. to ICICI Bank Bapubagh Colony, Penderghast Road, Secunderabad 500 003.
3	M/s Bhavana Power Private Limited, Sri V.V.Rao, Director & Authorized Signatory, Mobile No.+91 96760 51555
4	M/s BVM Energy and Residency Private Limited, 15 th Floor, Kapil Towers, Financial District, Nanakramguda, Gachibowli, Hyderabad 500 032.
5	M/s Fourth Partner Energy Private Limited, 11 th Floor, KURA Towers, Metro Piller # C1335, Sardar Patel Road, Begumpet, Hyderabad 500 016.
6	M/s Fusion Solar Farms Pvt. Ltd., Plot No.606, Jubilee Hills, Road No.33, Hyderabad 500 033.
7	M/s Indian Energy Exchange Limited (IEX), First Floor, Unit No.1.14(a), Avanta Business Centre, Southern Park, D-2, District Centre, Saket, New Delhi 110 017.
8	M/s ITC Limited, Virginia House, 37, J.L.Nehru Road, Kolkata 700 071.
9	M/s Mahindra Rise, Sri Ankur Pathak, Head – Policy & Regulatory Affairs, , Mobile No. +91 78385 68948
10	M/s Manikaran Power Limited, Branch Office: 3 rd Floor, AASTHA, 460, E.M.Byepass, Kolkata 700 107.
11	M/s O ₂ Power Private Limited, 8 th Floor, DLF Square, DLF Phase 2, Gurgram 122 002.
12	M/s Penna Cement Industries Limited, Lakshmi Nivas 705, Road # 3, Banjara Hills, Hyderabad 500 034.
13	M/s Peritus Corporation Private Limited, 601, Cyber Heights, Plot # 13, Road No.2, Banjara Hills, Hyderabad 500 034.
14	M/s Prayas (Energy Group), Unit III A&B, Devgiri, Joshi Railway Museum lane, Kothrud Industrial Area, Kothrud, Pune, Maharashtra 411 038.
15	M/s Reliance Jio Infocomm Limited, 3 rd Floor, Maker Chambers IV, 222 Nariman Point, Mumbai 400 021.
16	M/s Sarvotham Care, 1-20-248, Umajay Complex, Rasoolpura, Secunderabad 500 003.
17	M/s SEI Sriram Power Private Limited Greenko group, Block-D, Plot No.13, Sy.No.64 Part, Hitech-City Layout, Madhapur, Rangareddy District 500 081.
18	M/s Singareni Collieries Company Limited (SCCL), Kothagudem Collieries, Bhadradi Kothagudem District 507 101.
19	M/s SolarBull Energy LLP, A202, Aditya Hilltop, Near Senor Valley Villas, Filmnagar, Hyderabad 500 096.
20	M/s Sri Suryanarayana Swamy Solar Power Pvt. Ltd., Flat No.1-110/1, Jayalaxmi Traders, Azad Nagar, Kodad, Suryapet District 508 206.
21	M/s Srinivasa Green Energies Private Limited, Flat No.G1, 6-117/A/1781/A, People's Nest, 100 feet Main Road, Pragathi Nagar, Bachupally (M), Medchal Malkajigir District, Hyderabad 500 090.
22	M/s Tropical Flavours (P) Ltd., Kandukur P.O., Srisailam Road, Rangareddy District 501 359.
23	M/s Ushodaya Enterprises Private Limited, Eenadu Corporate Office, Ramoji Film City, Anajpur Village, Rangareddy Dist 501 512.

Sl. No	Name of the Stakeholder & address
24	National Solar Energy Federation of India, 135-137, 1 st Floor, Rectangle-1. D-4, Saket District Center, New Delhi 110 017.
25	Northern Power Distribution Company of Telangana Limited (TSNPDCL), H.No.2-5-31/2, Corporate Office, Vidyut Bhavan, Nakkalagutta, Hanamkonda, Warangal 506 001.
26	Southern Power Distribution Company of Telangana Limited (TSSPDCL), # 6-1-50, Corporate Office, Mint Compound, Hyderabad 500 063.
27	Sri Venkata Naresh Kumar, Konakandla, Mobile No.+91 9666 22 99 75.
28	Telangana Solar Open Access Developers Association (TSOADA), # 8-3-224/4/A, Plot No.11&12, Sy.No.01, Room No.412, Madhura Nagar, Yousufguda, Hyderabad 500 038.
29	The Federation of Telangana Chambers of Commerce and Industry (FTCCI), Federation House,11-6-841, Red Hills, Hyderabad 500 004.
30	Transmission Corporation of Telangana Limited (TSTRANSCO), Vidyut Soudha, Hyderabad 500 082.