

Jharkhand State Electricity Regulatory Commission (Open Access in Intra-State Transmission and Distribution) Regulations, 2005¹

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Noti. No. JSERC/Regulation/199, dated the 27th June, 2005.—In exercise of power conferred by Section 181 read with Section 42(2) of Electricity Act, 2003 and all other powers enabling in this behalf, the Jharkhand State Electricity Regulatory Commission, hereby makes the following Regulations, namely:

1. Short title, extent and commencement.—(i) These Regulations shall be called the Jharkhand State Electricity Regulatory Commission (Open Access in Intra-State Transmission and Distribution) Regulations, 2005.

(ii) These Regulations shall extend to the whole of the State of Jharkhand.

(iii) These Regulations, except clause (iii) of Regulation 6 shall come into force from the date of their publication in the Official Gazette.

(iv) Clause (iii) of Regulation 6 shall come into force after expiry of 90 days from the date of publication of these regulations in the Official Gazette and during this period of 90 days, reservation for short term customers shall be done on first-come-first-served basis:

1. Published in Jharkhand Gazette. (ex. ord.) dated 28.7.2005.

Provided that the period for such reservation shall not exceed the period of 90 days from the date of publication of these regulations in the Official Gazette.

2. Definition.—In these regulations unless the context otherwise requires;—

- (a) "Act" means the Electricity Act, 2003 (36 of 2003);
- (b) "Allotted Transmission/Distribution Capacity" means the power transfer in MW between the special point(s) of injection and point(s) of drawal allowed to a long-term customer on the intra-State transmission or Distribution system under normal circumstances and the expression "allotment of transmission or distribution capacity" shall be construed accordingly;
- (c) "Commission" means Jharkhand State Electricity Regulatory Commission.
- (d) "Direct customer" means a person directly connected to the transmission/distribution system owned and/or operated by the State Transmission Utility/Transmission Licensee.
- (e) "Embedded customer" means a person who is not direct customer;
- (f) "Existing beneficiary" means a person having on the date of coming into force of these regulations utilised the lines and facilities of the State Transmission Utility, other transmission licensee and distribution licensee and consumers of distribution licensee including that of the deemed licensee.
- (g) "Grid Code" means the Grid Code specified by the Commission under clause (h) of sub-section (1) of Section 86 of the Act and includes the Indian Electricity Grid Code and State Grid Code applicable on the date of commencement of these regulations;
- (h) "Nodal agency" means the nodal agency defined in Regulation 8 of these regulations;
- (i) "Open Access Customer" means any person permitted by the State Commission to receive supply of electricity from a person other than distribution licensee of his area of supply, and open access shall be construed accordingly. The expression Open Access Customer includes a generating company and a licensee, who has availed of or intends to avail of open access;
- (j) "Reserved Transmission /Distribution Capacity" means the power transfer in MW between the specified point(s) of injection and point(s) of drawal allowed to a short-term customer on the transmission/distribution system depending on availability of respective capacity and the expression "reservation of transmission or distribution capacity" shall be construed accordingly;
- (k) "Transmission Customer" means any person, including open access customers using transmission lines and associated facility of State Transmission utility and/or transmission licensee;
- (l) "State" means the State of Jharkhand;
- (m) Words and expressions used and not defined in these regulations but defined in the Act or the Grid Code, shall have meaning assigned to them thereunder; The Act or the Grid Code, as the case may be,

- (n) "Day" means a day starting at 00 hours and ending at 24.00 hours;
- (c) "Month" means a calendar month as per British Calendar;
- (p) "Year" means twelve (12) calendar months.

3. Applicability to Open Access Customer.—(i) The regulations shall apply to Open Access Customers for use of Intra-State transmission system and/or the distribution system of licensees in the State, including when such system is used in conjunction with Inter-state transmission system.

(ii) Open access customers will abide by the Grid Code in so far as it is applicable to them.

(iii) Open access customer shall be treated as consumer of the licensee for applicability for the "Electricity Supply Code" and "Distribution Licensee's standard of performance" in so far as these regulations are applicable to them.

4. Categorisation of Transmission/Distribution Customers.—(1) The transmission/distribution customers shall be divided into two categories, namely:—

- (a) Long-term customers, and
- (b) Short-term customers.

(ii) The persons availing or intending to avail access to the Intra-State transmission or distribution system for a period of ten years or more shall be the long-term customers:

Provided that the consumer and persons intending to be, consumers of the Distribution Licensee and the existing beneficiaries of a Intra-State Transmission System and Distribution System owned or operated by the State Transmission Utility and/or existing licensees/successor entities of the Board shall be deemed to be long-term customers of the respective system and the application fee schedule as per Regulation 9(11) shall not apply to them.

(iii) The customers other than the long-term customers shall be the short-terms customers:

Provided that the maximum duration for which the short-term access allowed at a time shall not exceed one year:

Provided further that the short-term customer shall be eligible to obtain fresh reservation after expiry of his term.

5. Criteria for Allowing Access.—(i) (a) The long-term access shall be allowed to the Intra-State transmission system in accordance with the transmission-planning criterion stipulated in the Grid Code.

(b) The long-term access to distribution system shall be allowed in accordance with distribution planning criteria of the distribution licensee approved by the Commission.

(c) Provided that long-term access to Intra-State transmission system and distribution system shall be allowed to Open Access Customers phasewise from the dates as specified in Clause 34 of these Regulations.

(ii) The short-terms access to Intra-State transmission system and distribution system shall be allowed, if request can be accommodated by utilizing:—

- (a) Inherent design margins;
- (b) Margins available due to variation in power flows; and
- (c) Margins available due to in-built spare capacity created to cater to future load growth;

(d) Margins available due to part use/non-use of capacity:

Provided that short-terms access shall be allowed to Open Access Customers phase wise from dates as specified Clause 34 of these Regulations.

6. Criteria for Allotment/Reservation of Transmission/Distribution Capacity.—(i) Allotment priority of a long-term customer shall be higher than reservation priority of a short-term customer,

(ii) The application for grant of short terms access shall be accepted by the State Load Despatch Centre only if such short term access is commencing in the month of the application or in the next month and is ending not beyond the twelfth month counted from the month of commencement.

(iii) In case of short-term customers, as given point of time, if all the requests for access can be accommodated, they shall be granted short terms access as per their application and each short-term customers shall pay the transmission or distribution charges in accordance with clause 16(a) of these Regulations :

- (a) In case of short-terms access, if the capacity sought to be reserved by the customers is more than the available capacity at that point of time, the State Load Despatch Centre concerned shall invite snap bids through fax/e-mail;
- (b) The floor price for the bidding shall be price determined in accordance with Regulation 16;
- (c) The bidders shall quote price in terms of percentage points above the floor price;
- (d) The reservation of capacity will be made in decreasing order of the price quoted;
- (e) In case of equal price, if required, the reservation of capacity shall be made pro rata to the capacity sought;
- (f) The customer getting reservation for a capacity less than the capacity sought by him shall pay charges quoted by him and the customers getting capacity reservation equal to the capacity sought by them shall pay charges quoted by the last customer getting reservation of capacity;
- (g) The State Load Despatch Centres shall, within 45 days, formulate a detailed procedure duly approved by the Commission for reservation of transmission and distribution capacity to short-term customers; including the detailed procedure for bidding:

Provided that short-terms access shall be allowed to an Open Access Customer from the dates specified in Clause 34 of these Regulations.

7. Within a category (long-terms or short-term), there shall be no discrimination between open access customers and self-use by an integrated entity like the State Electricity Board or a licensee. The transmission licensees and State transmission utility shall declare existing long-term customers using their system (including self-use and use by unbundled agencies which were previously integrated) either on their own website or on the website of the State of the State Load Despatch Centre within 60 days. All future requests for use of the transmission and distribution system shall be handled in accordance with these Regulations.

8. Nodal Agency.—(i) The nodal agency for arranging the long term transmission/ distribution access shall be the State Transmission Utility or the Transmission Licensee or the Distribution Licensees whose system is used or is to be used for such long-term access.

(ii) The nodal agency for the short-term access shall be the State Load Despatch Centre.

9. Procedure for Long-Term Customers.—(i) An application for long-term open access shall be submitted to the respective S.T.U., Transmission Licensee or Distribution Licensee (nodal agency) whose system is to be used with a copy to SLDC.

(ii) The application shall contain the details, such as capacity needed, point(s) of injection, point(s) of drawal, duration of availing open access, peak load, average load and such other additional information that may be specified by STU, Transmission Licensee or Distribution Licensee.

The application shall be accompanied with a non-refundable application fee of Rs. 25,000.00 payable to the respective S.T.U. or Transmission Licensee in case of long-term access to Transmission system and Rs. 10,000 payable to Distribution Licensee in case of long-term access to distribution system.

(iii) Based on system studies conducted in consultation with other agencies involved including other transmission and distribution licensees, the nodal agency, shall within 30 days of the receipt of the application, intimate to the applicant whether or not the long-term access can be allowed without further system strengthening:

Provided that where the long-term access can be allowed without further system strengthening, this shall be allowed immediately after entering into commercial agreements under intimation to the Commission:

Provided further that long-terms access shall be allowed to an Open Access Customers from the dates specified in Clause 34 of these Regulations and not before that.

(iv) If, in the opinion of the STU, Transmission Licensee and/or Distribution Licensee, further system strengthening is essential before providing the long term access, the applicant may request the STU and/or transmission/distribution licensee to carry out the system studies and preliminary investigation for the purpose of Engineering details, estimates and completion schedule for system strengthening.

(v) The STU and/or Licensee shall carry out the studies immediately on receipt of request from the applicant under clause (i) and intimate result of the studies within 60 days of the receipt of request from the applicant.

(vi) The applicant shall re-imburse the actual expenditure incurred by the respective STU and/or licensee for system strengthening studies:

Provided that the non-refundable fees paid by the applicant shall be adjusted against actual expenditure to be re-imbursed by the applicant.

10. The allotment of capacity to along-term customer may be relinquished or transferred to any other long-term customers in accordance with Regulation 12 of these regulations.

11. Bulk Capacity Agreement.—A long-term customer shall enter into Bulk Power Transmission/distribution Agreement with the transmission/distribution licensee for use of their Intra-State transmission/distribution system with information to the Commission.

12. Exit Option.—(i) A long-term customer shall not relinquish or transfer his rights and obligations specified in the Bulk Power Transmission/distribution Agreement, without prior approval of the Commission.

(ii) The relinquishment or transfer of right and obligations by a long-term customer shall be subject to payment of compensation, as may be determined by the Commission.

13. Procedure for Short-Term Customer.—(i) A short-term customer shall submit an application for transmission/distribution open access to the S.L.D.C.

(ii) The application shall contain the details such as capacity needed, point of injection, point of drawal, duration of availing open access, peak load, average load and such other additional Information that may be specified by the State Load Despatch Centre;

(iii) The application shall be accompanied with a non-refundable application fee of Rupees five thousand payable in the name and in the manner to be decided by the S.L.D.C.

(iv) The reserved transmission/distribution capacity shall not be transferred by a short-term customer to any other customer.

14. Non-Utilization of reserved transmission/distribution capacity by short-term Customer.—(i) In case a short-term customer is unable to utilise, full or substantial part of the reserved transmission/distribution capacity, he shall inform the State Load Despatch Centre along with reasons for his inability to utilise the reserved transmission capacity and may surrender the reserved transmission/distribution capacity;

(ii) The State Load Despatch Centre shall reduce or cancel the reserved transmission/distribution capacity of a short-term customer when such a short-term customer frequently under-utilises the reserved transmission/distribution capacity provided that such reduction in the reserved capacity shall not be done without communicating in advance to such short term customer.

(iii) The short-term customer, who has surrendered the reserved capacity or whose reserved capacity has been reduced or cancelled, shall bear full transmission and/or distribution charges and the scheduling and system operating charges based on original reserved capacity and for the period for which the capacity was reserved (subject to maximum period of 30 days).

(iv) The capacity available as a result of surrender or reduction or cancellation of the reserved capacity by the S.L.D.C. under clause (i) or clause (ii) above, may be reserved for any other short-term open access customer in accordance with these regulations.

15. Inter-State open Access.—When access is required by an Open Access Customer to Inter-State transmission system, it shall be regulated by the Central Commission's Regulations. Inter-State open access may be involving two non-adjointing states. It may involve one state and regional grid.

Inter State Open Access between two adjoining States would be dealt separately by two State Commission concerned.

16. Transmission/distribution charges.—The charges for use of the system of the licensee for Intra-State transmission or distribution shall be regulated as under, namely:—

(i) The annual charges shall be determined by the Commission in accordance with the terms and conditions of tariff notified by the Commission from

time to time and after deducting the adjustable revenue from the short-term customers, these charges shall be shared by the long-term customers;

- (ii) (a) The charges payable by a short-term customer shall be calculated in accordance with the following methodology:

$$ST_RATE = 0.5 \times [AFC/Av_CAP]/365$$

Where:

ST_RATE is the rate for short-term access customer in Rs. per MW per day. "AFC" means the Annual fixed Transmission/Distribution Charges of the S.T.U. transmission or distribution licensee for the previous financial year determined by the Commission.

"Av_CAP" means the average electrical power in MW served by the system during the previous financial year.

- (b) The charges payable by a short-term customer shall be for one day for availing access for each day or part thereof.

(c) Non-availability of AFC for the system shall not be reason for delay in providing transmission access and where AFC for any transmission licensee are not available, the per MW per day charge applicable for the system owned by the State Transmission Utility of the region in which the system of transmission licensee is situate, shall be used.

(d) Every licensee shall declare and exhibit short-term open access rate worked out as per clause 16 of these regulations in Rs. per MW per day. Rates shall remain fixed for a period of one year.

- (iii) 50% of the charges collected from the short-term customer shall be retained by the licensee and the balance 50% shall be adjusted towards reduction in the charges payable by the long-term customers.

17. Scheduling and System Operation Charges.—(1) The scheduling and system operation charges @ of Rs. 2,000/- per months or part thereof shall be paid by short-term customers to the State Load Despatch Centres involved in the transaction as the case may be.

(ii) The scheduling and system operation charges collected by the State Load Despatch Centre in accordance with clause (i) above shall be in addition to the fees and charges approved by the Commission.

Explanation.—Scheduling and system operation charges shall be payable by a generating company or a licensee when allowed access under these regulations.

18. Cross-subsidy Surcharge and Additional Surcharge.—(i) In addition to transmission and distribution charges and wheeling charges, open access customer availing open access to the transmission system/distribution system shall pay a surcharge.

(ii) Accordingly an Open Access Customer who has been granted open access in accordance with these Regulations shall be liable to pay a surcharge as may be specified by the Commission to meet the current level of cross subsidy paid by the category of consumer applicable to the electricity supply of such Open Access Customer till cross-subsidies are eliminated:

Provided that such 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 a destination of his own use.

(iii) Every Licensee shall, within three (3) months from the date of notification of these Regulations, submit to the Commission for approval, the calculation of surcharge payable for different category of open access customer to meet the current level of cross subsidy within his area of supply on the basis of the following methodology:

When open access is allowed, the surcharge for the purpose of Sections 38, 39, 40 and sub-section (2) of Section 42 would be computed as the difference between (A) the tariff applicable to the relevant category of consumers and (B) the cost of the distribution licensee to supply electricity to consumers of the applicable class. In case of a consumer opting for open access, the distribution licensee would be in a position to discontinue purchase of power at the margin in the merit order. Accordingly, the cost of supply to the consumer for this purpose may be computed as the aggregate of (C) the weighted average of power purchase costs (inclusive of fixed and variable charges) of top of 5% power at the margin in the merit order approved by the Commission adjusted for average loss compensation or relevant voltage level and (D) the distribution charges determined on the principles as laid down for Intra-State transmission and distribution charges.

That is to say :—Surcharge = A - B

Where-B = C + D

Provided that the Licensee shall provide to the Commission, full details of all relevant aspects relating to such calculation, including sources of information.

(iv) The amount of surcharge shall be so calculated as to meet the current level of cross subsidy paid by the category of consumers applicable to electricity supply of open access customers and shall be paid to the distribution licensee of area of supply where the premises of the person availing open access is located.

(v) The surcharge shall be reduced and eliminated in the manner as the Commission may lay down for reduction and elimination of cross subsidies in its regulations or revised tariff order issued from time to time.

(vi) Open access customers availing exclusively inter-State transmission system shall pay the same amount of surcharge as determined under these regulations.

19. Additional Surcharge.—A consumer of the distribution licensee availing open access and receiving supply of electricity from a person other than the distribution licensee of his area of supply shall pay to the distribution licensee an additional surcharge as may be specified by the Commission, in addition to wheeling charges and surcharge, to meet the fixed cost of such distribution licensee arising out of his obligation to supply as provided under sub-section (4) of Section 42 of the Act:

(i) The distribution licensee whose consumer intends to avail open access shall submit to the Commission within fifteen days of receipt of application, an account of fixed cost which the licensee is incurring towards his obligation to supply based on the following principles;

The additional surcharge for obligation to supply as per Section 42(4) of the Act should become applicable only if it is conclusively demonstrated that, that obligation of a licensee, in terms of power purchase commitments, has been and continues to be stranded, or there is an unavoidable obligation and incidence to bear fixed costs consequent to such a contract. The fixed costs related to network assets shall be chargeable only when the same is not recovered through wheeling charges.

Wheeling charges shall be determined on the basis of same principles as laid down for Intra-State transmission charges and in addition would be inclusive of average loss compensation of the relevant voltage level.

(ii) The Commission shall scrutinize the statement of account submitted by the licensee as per sub-clause (i) above and obtain objections, if deemed necessary of the open access consumer and determine the amount of surcharge and additional surcharge payable by the open access consumer.

(iii) The additional surcharge shall be leviable for such period as the Commission may determine but not exceeding two years.

20. Unscheduled Inter-change (UI) charges.—(i) The mismatch between the scheduled and the actual drawal at drawal point(s) and scheduled and the actual injection point(s) shall be met from the grid and shall be governed UI pricing mechanism applicable to the Inter-State transactions as per ABT Tariff.

(ii) A separate bill for UI charges shall be issued to the direct customers and in case of the embedded customers, a composite UI bill for the State as a whole shall be issued the segregation for which shall be done at the State level by SLDC.

21. Reactive Energy Charge.—The payment for the reactive energy charges for the direct customers on account of open access shall be calculated in accordance with the scheme applicable to transaction involving intra-State transmission or distribution approved by the Commission from time to time.

22. The reactive energy charges payable to or receivable by the State Electricity Board or the State Transmission Utility shall be paid to or received from the pool by the State Electricity Board or the State Transmission Utility concerned and shall not be apportioned to the embedded customers.

23. The reactive energy drawals and injections by the embedded customers shall be governed by the regulations applicable within the State.

24. Time-schedule for Processing Application.—As far as practicable, the following time schedule shall be adhered to by the respective nodal agency for processing of the application for grant of open access:

S. No.	Type of service/activity	Maximum Processing time
1.	Short-Terms Service	
	Up to one day	12 hours
	More than one day up to one week	Two days
	More than a week up to one month	Seven days
	More than a month up to one year	Thirty days
2.	Long-Term Service	
	Intimation regarding feasibility of access without system strengthening	30 days
	Intimation of results of studies for system strengthening with cost estimates and completion schedule.	60 days

25. Curtailment Priority.—When, because of transmission or distribution capacity constraints or otherwise, it becomes necessary to curtail the intra-State transmission service of distribution (wheeling) service to the customers, the short-term customers shall be curtailed first followed by the long-term customers:

Provided that within a category, all users shall have same curtailment priority and shall be curtailed *pro rata* to the allotted transmission or distribution capacity in the case of long-term customers and the reserved capacity in the case of short-term customers.

26. Others Commercial Conditions.—Other commercial conditions for transmission and/or distribution charges and scheduling and system operation charges, such as terms payment, creditworthiness, indemnification, and force majeure conditions shall be standardised within 60 days by the Licensee/State Transmission Utility for long-term customers and by the State Load Despatch Centre for the short-term customers.

27. Special Energy Meters.—The Special Energy Meters shall be installed by the direct customers and also by the embedded customers.

28. The Special Energy Meters installed shall be capable of time differentiated measurements (15 minutes) of active energy and voltage differentiated measurement of reactive energy as specified by the State Transmission Utility.

29. The Special Energy Meters shall be always maintained in good condition.

30. The Special Energy Meters for the direct customer or embedded customers shall be open for inspection by the person authorised by the STU or the State Load Despatch Centre or the Commission.

31. Energy Losses.—(i) The transmission customers shall bear average energy losses in the transmission system as estimated by the State Load Despatch Centre and approved by the Commission. The energy losses in the transmission system shall be compensated by additional injection at the injection point(s). The information regarding average energy losses for the previous 12 months shall be posted on the website of the State Load Despatch Centre STU and Licensee(s).

(ii) Open access customers availing distribution service *i.e.* wheeling of electricity distribution system shall bear average energy losses in the distribution system estimated by Distribution Licensee for the voltage level applicable to such open access customer and approved by the Commission. The energy loss in the distribution system shall be compensated by additional injection at the points of injection to the distribution system.

32. Compliance of Grid Code.—The open access customers shall comply with the provisions of the Grid Code in force from time to time.

33. Collection and Disbursement of charge.—(i) The transmission charges and wheeling charges shall be payable directly to respective STU and/or licensees:

(ii) Scheduling and system operation charges shall be collected by the State Load Despatch Centre. The State Load Despatch Centre may require the transmission/wheeling charges and scheduling and system operational charges to be paid in advance for a maximum period of one month, the detailed procedure for which shall be finalised by the State Load Despatch Centre.

(iii) Long term customers shall pay Rs. thirty thousand (Rs. 30,000.00) as annual service charge for scheduling and system operation etc. to State Load Despatch Centre.

(iv) The collection and disbursement of the unscheduled Inter-change charges and the reactive energy charges shall be governed in accordance with the procedure and methodology specified by the Commission from time to time.

34. Phasing of Open Access.—Open Access customers shall be allowed to avail access to the transmission system and distribution system in the following phases:

S. No.	Phases	Contracted electrical power.	Date from which Open Access shall be allowed to open access customers
1	Phase I	25 MW and more	November 1, 2005
2	Phase I	10 MW or more	April 1, 2006
3	Phase II	1 MW or more	April 1, 2008

Based on the experience of operation of open access in phase I, the Commission may revise the schedule for the allowing open access in subsequent phases.

The Commission may allow open access to consumers with less than 1 MVA contract demand at such time as it may consider feasible having regard to operational constraints and other factors.

A person covered by a policy of the State Government, or availing open access on the date of commencement of these regulations, relating to captive generation or generation through non-conventional energy sources shall be eligible to avail open access irrespective of contract demand.

35. Information System.—Each State Load Despatch Centre shall post following information on their websites in a so separate web page titled "Open access information"

(i) Floor rate of rupees per MW per day for the short-term customers (ST_RATE) for each system of the State Transmission Utility or the State Electricity Board or any other transmission/distribution licensee with details calculations in support of such rate in respect of all the transmission/distribution licensees situated within the State.

(ii) A status report on the current short-term customers indicating:—

- (a) Name of customers;
- (b) Period of the access granted (start date and end date);
- (c) Point(s) of Injection;
- (d) Point(s) of drawal;
- (e) Transmission system/distribution system used (in terms of region and ownership);
- (f) Reserved capacity; and
- (g) Applicable rate (Rs. per MW per day).

Note.—The status report shall be updated upon every change in status.

(iii) Month-wise and year-wise on past short-term customers indicating:

- (a) Name of the customers;
- (b) Period of the access granted (start date and end date);
- (c) Point(s) of injection;

- (d) Point(s) of drawal;
- (e) Transmission systems/distribution system used (on the basis of region and ownership);
- (f) Reserved capacity;
- (g) Applicable rate (Rs. per MW per day); and
- (h) Actual load factor.

Note.—All previous reports shall also be available in the web-achieves.

- (iv) Information regarding usage of the links between various state licensees indicating:
 - (a) Time of updating;
 - (b) Name of the link;
 - (c) Total capacity of the link;
 - (d) Scheduled capacity use (giving customer-wise break-up); and
 - (e) Current capacity of the link in use.

Note.—This Information should be updated at least on any hourly basis, and where ever feasible on 15 minute basis.

- (v) The information regarding average energy losses for the previous 12 months in case of Transmission system and in case of distribution system voltage level wise for the last financial year.

36. The publication of the web-based Information system shall commence within 90 days in case of the State Load Despatch Centre. All licensees shall make available the above information to State Load Despatch Centre.

37. STU and Transmission licensees shall declares current long-term customers using their system (including self-use and use by unbundled agencies which were previously integrated) with details thereof either on their own websites or on the website of the Load Despatch Centre within 180 days.

Note.—This list shall be updated as and when change in status takes place.

38. Redressal Mechanism.—All complaints regarding unfair practices, delays discrimination, lack of information, supply or wrong information or any other matter related to open access shall be directed to the S.L.D.C. and State Transmissior Licencee:

Provided that any matter which the S.L.D.C. and/or State Transmissior Licencee is unable to resolve, within 15 days shall be reported to the Commissior from a decision.

39. Co-ordination.—The responsibilities assigned to the State Load Despatch Centre for formulation of procedures, guidelines and application forms under these regulations shall be coordinated by the State Transmission Utility.

40. Metering.—(i) The open access consumer shall provided Special Energy Meters as Main Meters as may be specified by the STU and approved by the Commission for such consumer based on voltage, point and period of supply and tariff category and incorporated in Grid Code and metering code of distribution licensees and shall provide communication of metering data to SLDC on read time basis and periodically as desired by SLDC.

(ii) The generating company or a licensee contracting to effect supply to an open access consumer shall provide Special Energy Meters as Main Meters at interconnecting points as specified in metering code and shall arrange communication of metering data to Regional Load Despatch Centre and/or State Load Despatch Centre on real time basis and periodically as desired by SLDC.

(iii) The Distribution licensee may provide Check Meters of the same specification as Main Meters.

(iv) The Main and Check Meters shall be periodically tested and calibrated by Licensee/State Transmission Utility in the presence of other party involved. Main and Check meters shall be sealed by both parties. Defective meter shall be replaced immediately.

(v) Reading of Main and Check meters shall be taken periodically at appointed day and hour by authorised officer of distribution licensee and open access customer or his representative, if present. Meter reading shall be immediately communicated to State Load Despatch Centre, consumer State Transmission Utility and Generating Company/trader, as the case may be, by the distribution licensee, within 12 hours. Check meter readings shall be considered when Main Meters are found to be defective or stopped:

Provided that if difference between the readings of main and check meter *vis-à-vis* main meter reading exceeding twice the percentage error applicable to relevant class, both meters shall be tested and one found defective shall be immediately replaced and reading of other will be considered:

Provided further that distribution licensee for the purpose of this clause shall be the distribution licensee operating and maintaining distribution system of the area in which consumer premises are located.

(vi) An open access customer or generating company or licensee may request STU to provide Special Energy Meters. In that case he shall pay for the cost, installation and maintenance of meters as per the charges approved by the Commission and the meter shall be maintained by STU.

(vii) Main and Check Meters shall have facility to communicate its reading to State Load Despatch Centre on real time basis or otherwise as may be specified in metering code, and.

(viii) The term 'Meter' shall include current transformers, voltage/potential transformers, wiring between them and meter box/panel.

41. Powers to remove difficulties.—If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may by general or special order, direct the State Transmission Utility, State Load Despatch Centre, licensee and the open access customer, to take such action, as may appear to the Commission to be necessary or expedient for the purpose of removing difficulties.