

No. UPERC/Secy/Regulation/04

Dated Lucknow, February 7, 2024

In exercise of powers conferred under Section 181 of the Electricity Act, 2003 and all other powers enabling it in this behalf, and after previous publication, the Uttar Pradesh Electricity Regulatory Commission hereby makes the following regulations to amend the Uttar Pradesh Electricity Regulatory Commission (Grant of Connectivity to intra-State Transmission System) Regulations, 2010, (hereinafter referred to as the "Principal Regulations"), namely:-

1. Short Title and Commencement:

1.1 These regulations may be called the Uttar Pradesh Electricity Regulatory Commission (Grant of Connectivity to intra-State Transmission System) (First Amendment) Regulations, 2024.

1.2 These regulations shall come into force from the date of their publication in the Official Gazette.

1.3 These regulations shall apply throughout the State of Uttar Pradesh.

2. Amendment to Regulation 2 of the Principal Regulations:

2.1 In sub-clause (b) of clause 2.1 of the Principal Regulations, clause of "applicant" in respect of a generating company shall be numbered as sub-clause (b)(i) and the words "(including a captive generating plant)" therein shall be substituted with the words "(other than renewable energy generating station)".

2.2 Four new clauses of "applicant", namely, sub-clause (b)(ii), sub-clause (b)(iii), sub-clause (b)(iv) and sub-clause (b)(v) shall be added at appropriate places in clause 2.1 of the Principal Regulations as under:

- “(ii) renewable energy generating station, with or without ESS, with an installed capacity of 5 MW & above individually or with an aggregate installed capacity of 5 MW & above through a Lead Generator, seeking connectivity at a single inter-connection point at voltage 33 kV & above; or
- (iii) ESS with an installed capacity of 5 MW & above individually or with an aggregate installed capacity of 5 MW & above through a Lead ESS, seeking connectivity at a single inter-connection point at voltage 33 kV & above; or
- (iv) renewable energy generating station or ESS with an installed capacity of 1 MW & above, seeking connectivity through the electrical system of a generating station already having connectivity to intra-State transmission system at voltage 33 kV & above. Such an entity applying for grant of connectivity to intra-State transmission system shall have an agreement with the said generating station to share its electrical system and/or inter-connection facilities at point of connectivity; or
- (v) Renewable Power Park Developer with an installed capacity of 5 MW & above, seeking connectivity at a single inter-connection point at voltage 33 kV & above; or”

2.3 In sub-clause (b) of clause 2.1 of the Principal Regulations, clause of "applicant" in respect of a distribution licensee shall be numbered as sub-clause (b)(vi) and the words "distribution licensee" therein shall be substituted with the words "distribution licensee (other than data center park as distribution licensee)".

2.4 In sub-clause (b) of clause 2.1 of the Principal Regulations, clause of "applicant" in respect of a captive user or an open access consumer shall be numbered as sub-clause (b)(vii) and the same shall be substituted as under:

- “(vii) a captive user or an open access consumer or a data center park as distribution licensee, seeking connectivity at its premises for its new / modified / augmented substation and / or electric plant to receive electricity at voltage 132 kV & above, with an existing/proposed load of 20 MVA and above irrespective of power flow within quantum of connectivity:”

2.5 The words "generating station less than 5 MW at voltage 33 kV or" shall be added after the words "made by any" and before the words "captive user" under Explanation in sub-clause (b) of clause 2.1 of the Principal Regulations.

2.6 A new sub-clause (d-i) shall be added after sub-clause (d) of clause 2.1 of the Principal Regulations as under:

"Committed transmission line" means a transmission line constructed exclusively for a captive user or an open access consumer or a data center park as distribution licensee seeking connectivity at its premises for its new / modified / augmented substation and / or electric plant to receive electricity at voltage 132 kV & above, with an existing/proposed load of 20 MVA and above irrespective of power flow within quantum of connectivity;"

2.7 The words "10 MW" shall be substituted with the words "20 MVA" under Explanation in sub-clause (b) of clause 2.1 of the Principal Regulations.

2.8 The words "or distribution licensee under clause 7.2A" shall be added after the word "applicant" and before the words "setting out" in sub-clause (e) of clause 2.1 of the Principal Regulations.

2.9 The words "or distribution licensee under clause 7.2A" shall be added after the words "(other than the State Transmission Utility)" and before the word "means" in sub-clause (g) of clause 2.1 of the Principal Regulations.

2.10 Two new sub-clauses, namely, sub-clause (g-i) and sub-clause (g-ii) shall be added after sub-clause (g) of clause 2.1 of the Principal Regulations as under:

"(g-i) "energy storage system" or "ESS" in relation to the electricity system, means a facility where electrical energy is converted into any form of energy which can be stored, and subsequently reconverted into electrical energy and injected back into the grid;

(g-ii) "electrical system" of a generating station shall mean electrical system / switchyard of a generating station including dedicated transmission line, if any;"

2.11 In sub-clause (h) of clause 2.1 of the Principal Regulations, the words "in respect of generating station other than those generate non-firm power" shall be deleted.

2.12 Two new sub-clauses, namely, sub-clause (i-i) and sub-clause (i-ii) shall be added after sub-clause (i) of clause 2.1 of the Principal Regulations as under:

"(i-i) "Lead ESS" means,

(i) an ESS which is mutually authorized among ESS(s) through an agreement for applying for connectivity to the intra-State transmission system at a single inter-connection point at voltage 33 kV & above: or

(ii) an ESS already having connectivity to the intra-State transmission system, and through whose electrical system, connectivity is being sought by one or more ESS(s) through an agreement;

(i-ii) "Lead Generator" means,

(i) a renewable energy generating station which is mutually authorized among renewable energy generating station(s) with or without ESS(s) through an agreement for applying for connectivity to the intra-State transmission system at a single inter-connection point at voltage 33 kV & above: or

(ii) a generating station already having connectivity to the intra-State transmission system, and through whose electrical system, connectivity is being sought by one or more renewable energy generating station(s) or ESS(s) through an agreement;"

2.13 Sub-clause (k) and sub-clause (m) of clause 2.1 of the Principal Regulations shall be deleted.

2.14 Two new sub-clauses, namely, sub-clause (n-i) and sub-clause (n-ii) shall be added after sub-clause (n) of clause 2.1 of the Principal Regulations as under:

"(n-i) "renewable energy generating station" or "REGS" means a generating station based on a renewable source of energy with or without energy storage system and shall include renewable hybrid generating station, connected at the same inter-connection point;

(n-ii) "renewable hybrid generating station" or "RHGS" means a generating station based on hybrid of two or more renewable source(s) of energy with or without energy storage system, connected at the same inter-connection point:"

3. Amendment to Regulation 6 of the Principal Regulations

3.1 A new clause, namely, clause 6.1A shall be added after clause 6.1 of the Principal Regulations as under:

6.1A-1 An applicant, which is ESS, shall apply for connectivity for a quantum of its proposed maximum injection to intra-State transmission system or proposed maximum drawl from intra-State transmission system, whichever is higher.

6.1A-2 The application through Lead Generator or Lead ESS or Renewable Power Park Developer, as the case may be, shall be considered by the Nodal Agency only if –

(a) there is written agreement for sharing the electrical system and/or inter-connection facilities at point of connectivity by all renewable energy generating station(s) and/or ESS(s), as the case may be, among themselves and the consent of Lead Generator or Lead ESS or Renewable Power Park Developer to be responsible for compliance of the provisions of the Grid Code and other regulations of the Commission/Central Electricity Authority at the single inter-connection point and have undertaken all operational and commercial responsibilities on behalf of all individual renewable energy generating station(s) and/or ESS(s), as the case may be:

Provided that an application under sub-clause (b)(iv) of clause 2.1 shall be considered by the Nodal Agency and provisions of clause 6.1A-2(a) shall be applied *mutatis mutandis* with the condition that generating station already having connectivity to intra-State transmission system at 33 kV & above shall be Lead Generator under clause 6.1A-2.

6.1A-3 In case of application through Lead Generator or Lead ESS or Renewable Power Park Developer, as the case may be, the point of injection and the point of drawl for the purpose of scheduling, despatch, metering, energy accounting including DSM accounting and settlement shall be the single inter-connection point:

Provided that for connectivity granted under sub-clause (b)(iv) of clause 2.1, DSM accounting and settlement shall be carried out for all generating stations connected at the single inter-connection point as per DSM Regulations applicable to existing generating station already having connectivity to intra-State transmission system till provided otherwise by the Commission either through relevant Regulations or Orders."

4. Amendment to Regulation 7 of the Principal Regulations:

4.1 First proviso to clause 7.2 of the Principal Regulations shall be deleted.

4.2 In second proviso to clause 7.2 of the Principal Regulations, the words "intra-State transmission licensee" shall be substituted with the words "intra-State transmission licensee (other than STU)" and the words "to be" shall be substituted with the word "as".

4.3 In third proviso to clause 7.2 of the Principal Regulations, the word "the" shall be substituted with the word "such".

4.4 In fourth proviso to clause 7.2 of the Principal Regulations, the word "an" shall be substituted with the word "such".

4.5 A new clause, namely, clause 7.2A shall be added after clause 7.2 of the Principal Regulations as under:

"7.2A In case downstream connectivity of substation and / or electric line at voltage 33 kV of a distribution licensee is included in transmission scheme approved by Transmission Works Committee of the State Transmission Utility and duly approved by the Commission while approving the transmission capital investment scheme, such connectivity of distribution licensee at voltage 33 kV shall be deemed to be grant of connectivity subject to signing of the connection agreement by such distribution licensee as provided for in clause 8 hereof."

4.6 Clause 7.3 and clause 7.4 of the Principal Regulations shall be substituted as under:

“7.3 The Nodal Agency shall make a ‘connection offer’, along with terms, conditions and modalities for execution of connectivity, to the applicant within sixty (60) days from the date of receipt of application, with direction to the applicant to submit Connectivity Bank Guarantee. The ‘connection offer’ shall include among others point of connectivity, estimated cost of required inter-connection facilities, if any:

Provided that in case an application is rejected, the rejection and reasons for rejection shall be communicated to the applicant in writing by the Nodal Agency within sixty (60) days from the date of receipt of application:

Provided further that before an application is finally rejected, the applicant shall be given a reasonable opportunity of being heard.

7.4 Connectivity Bank Guarantee shall be submitted in two parts, Conn-BG1 towards estimated cost of inter-connection facilities, if any and Conn-BG2 @ Rs. 5 lakh/MW (or as provided by the Commission by an order from time to time) towards allocation of surplus capacity on existing transmission system:

Provided that Conn-BG2 and additional Conn-BG2 under clause 8A-2 shall be capped at amount equivalent to 100 MW for the applicant under sub-clause (b)(ii), sub-clause (b)(iii), sub-clause (b)(iv) and sub-clause (b)(v) of clause 2.1 for seeking connectivity of more than 100 MW:

Provided further that distribution licensee and data center park as distribution licensee shall not be required to submit Conn-BG2 and additional Conn-BG2 under clause 8A-2, and are exempted from this requirement:

Provided that Conn-BG 1 and Conn-BG 2, as applicable, shall be furnished within thirty (30) days of intimation of ‘connection offer’, failing which the application for connectivity shall be closed and application fee shall be forfeited:

Provided further that within fifteen (15) days of receipt of Conn-BG1 and Conn-BG2, as applicable, the Nodal Agency shall (after considering among others the schedule date of commercial operation for transmission infrastructure and inter-connection facilities) intimate in-principal grant of connectivity to the applicant, with direction to the applicant to sign the connection agreement. Such in-principal grant of connectivity shall mean grant of connectivity subject to signing of the connection agreement by the applicant as provided for in clause 8 hereof:”

4.7 In clause 7.5 of the Principal Regulations, the words “or pooling station” shall be deleted.

4.8 First proviso to 7.5 of the Principal Regulations shall be deleted.

4.9 A new proviso shall be added to clause 7.6 of the Principal Regulations as under:

“Provided that in case connectivity is granted at voltage 132 kV & above, the Nodal Agency shall approve the integration scheme of electrical system of respective entities at such interconnection point on the joint proposal of such entities.”

5. Amendment to Regulation 8 of the Principal Regulations:

5.1 Principal clause of clause 8.1 (except it's both provisos) of the Principal Regulations shall be substituted as under:

“The applicant or intra-State transmission licensee, as the case may be, shall sign within forty five (45) days from the date of in-principal grant of connectivity (in case of applicant) or deemed grant of connectivity (in case of intra-State transmission licensee under clause 7.2 or distribution licensee under clause 7.2A), a connection agreement with the State Transmission Utility owning the sub-station or switchyard or the transmission line as identified by the Nodal Agency, where connectivity is being granted:

Provided that if the applicant is Lead Generator or Lead ESS, all the entities on whose behalf the application is being made shall also be the signatories to the connection agreement. Lead Generator or Lead ESS shall ensure that all such entities shall also comply with the Grid Code and other regulations of the Commission/Central Electricity Authority.”

5.2 Clause 8.2 of the Principal Regulations shall be substituted as under:

“In case of failure to sign the connection agreement within the period stipulated in clause 8.1, the Nodal Agency may extend the time for signing the connection agreement for a maximum period of thirty (30) days, failing which the in-principal grant of connectivity shall be revoked by the Nodal Agency under intimation to the applicant, and Conn-BG1 and Conn-BG2 shall be encashed.”

5.3 Clause 8.3 of the Principal Regulations shall be deleted.

5.4 The word “withdrawal” shall be substituted with the word “revocation” at two places in clause 8.4 of the Principal Regulations.

6. New clause 8A: Treatment of Connectivity Bank Guarantee:

6.1 A new clause, namely, clause 8A shall be added after clause 8 of the Principal Regulations as under:

“8A Treatment of Connectivity Bank Guarantee:

8A-1 Conn-BG1 shall be returned within fifteen (15) days after deposition of estimated cost of interconnection facility:

Provided that Conn-BG1 shall be encashed and in-principal grant of connectivity shall be revoked if applicant fails to deposit such estimated cost within sixty (60) days from signing of connection agreement.

8A-2 Conn-BG2 shall be returned within thirty (30) days of date of commercial operation (COD) of generating station / of electrical plant or electric line of the applicant in following event and manner:

- (a) If applicant has achieved COD of less than 50% capacity and is not able to commission the remaining capacity, the Nodal Agency shall return Conn-BG2 of proportionate capacity which has achieved COD;
- (b) If applicant has achieved COD of at least 50% and up to 75% capacity and is not able to commission the remaining capacity, the Nodal Agency shall return 50% of Conn-BG2 of capacity which has not achieved COD in addition to Conn-BG2 of proportionate capacity which has achieved COD;
- (c) If applicant has achieved COD of more than 75% capacity and is not able to commission the remaining capacity, the Nodal Agency shall return entire Conn-BG2:

Provided that Conn-BG2 shall be encashed and connectivity shall be revoked if applicant fails to achieve such commercial operation within a period of six (6) months in case of capacity upto 10 MW and within a period of twelve (12) months in case of capacity more than 10 MW from the scheduled date of commercial operation (unless otherwise extended by the Nodal Agency on request of the applicant subject to submission of additional Conn-BG2 @ Rs. 0.25 lakh/MW/month or part thereof):

Provided further that additional Con-BG2 may be revised by the Commission by an order from time to time, as deemed appropriate.

8A-3 The proceeds of encashed Conn-BG1 and Conn-BG2, shall be adjusted in the ARR/tariff of respective transmission licensee under the applicable regulations of the Commission.

8A-4 If applicant before encashment of Conn-BG2 under clause 8A-2 seeks full cancellation of connectivity granted to it due to implementation issues, then applicant will submit such request describing the implementation issues hindering his connectivity along with a copy of fresh application for seeking new connectivity for at least 50% of such capacity (which shall not be less than 5 MW) for which full cancellation of connectivity has been sought. In such case the Nodal Agency shall within fifteen (15) days of such request revoke the initial connectivity for which cancellation has been sought and shall return Conn-BG2 for cancelled connectivity once the applicant achieves COD of generating station / of electrical plant or electric line for full capacity under fresh application of connectivity:

Provided that in case applicant is unable to achieve COD of entire capacity under fresh application of connectivity, notwithstanding anything contained under clause 8A-2 regarding return of Conn-BG2, entire Conn-BG2 for cancelled connectivity along with Conn-BG2 under fresh application of connectivity shall be encashed by the Nodal Agency.”

7. Amendment to Regulation 9 of the Principal Regulations:

7.1 A Note at the end of clause 9 of the Principal Regulations shall be deleted.

8. Amendment to Regulation 10 of the Principal Regulations:

8.1 In clause 10.1 of the Principal Regulations, the words “other than those generate non-firm power” shall be deleted.

8.2 The words “regarding issues related to Dedicated Evacuation Agreement and Annual Maintenance Contract” shall be added at the end of clause 10.4 of the Principal Regulations.

8.3 A Note at the end of clause 10 of the Principal Regulations shall be deleted.

9. New clause 10A: Construction, Operation and Maintenance of Committed Transmission line

9.1 A new clause, namely, clause 10A shall be added after clause 10 of the Principal Regulations as under:

“10A Construction, Operation and Maintenance of Committed Transmission line:

10A.1 Where the transmission line is committed to applicant under sub-clause (b)(vii) of clause 2.1, such applicant shall have the option to either choose to construct the transmission line (excluding the inter-connection facilities) up to the point of connectivity by STU on terms and conditions as specified by STU or it may construct such transmission line at its own under supervision of the State Transmission Utility on payment of supervision charges approved by the Commission:

Provided that the cost of construction of such transmission line shall be borne by the applicant on such terms and conditions as may be specified by the State Transmission Utility.

10A.2 The State Transmission Utility shall be responsible for operation and maintenance of the transmission line committed to the applicant and the ownership of such transmission line shall be deemed to have been transferred by such applicant to the State Transmission Utility. The complete operation and maintenance cost of such transmission assets shall be included in the transmission charges of the State Transmission Utility in accordance with the provisions under Section 62 of the Act read with UPERC (Multi Year Tariff for Distribution and Transmission) Regulations 2019, as amended from time to time.”

10. Amendment to Regulation 11 of the Principal Regulations:

10.1 Two new provisos shall be added to clause 11 of the Principal Regulations as under:

“Provided that open access consumer or captive user connected directly to intra-State transmission system at voltage 132 kV & above, the interface meters (main meter and check meter) shall be installed by the distribution licensee at open access consumer end or captive user end, as the case may be, whereas interface meter (standby meter) shall be installed by the transmission licensee in its premises. The cost of these interface meters shall be borne by open access consumer or captive user, as the case may be:

Provided that a data center park as distribution licensee connected directly to intra-State transmission system at voltage 132 kV & above under sub-clause (b)(vii) of clause 2.1, the interface meters (main meter and check meter) shall be installed by the State Transmission Utility at transmission-distribution interface points i.e. at data center park end, whereas interface meter (standby meter) shall be installed by the State Transmission utility in its premises:

Provided further that open access consumer or captive user connected directly to intra-State transmission system at voltage 33 kV, the interface meters (main meter and check meter) shall be installed by the distribution licensee at open access consumer end or captive user end, as the case may be, whereas interface meter (standby meter) shall be installed by the transmission licensee in its premises in case of independent feeder or by the distribution licensee at open access consumer end or captive user end in case

of mixed feeder. The cost of these interface meters shall be borne by open access consumer or captive user.”

11. New clause 12A: Treatment of Connectivity in case of revocation of connectivity of any individual REGS/ ESS

11.1 A new clause, namely, clause 12A shall be added after clause 12 of the Principal Regulations as under:

“12A Treatment of Connectivity in case of revocation of connectivity of any individual REGS/ ESS:

In case of revocation of connectivity of any individual REGS/ ESS by the Nodal Agency under these regulations, the connectivity of such Lead Generator/ Lead ESS/ Renewable Power Park Developer shall be reduced to the extent revocation is made subject to the fact that connectivity shall not be reduced below 5 MW and connection agreement shall be revised and signed accordingly.”

12. Amendment to Regulation 16 of the Principal Regulations:

12.1 Clause 16 (along with Heading) of the Principal Regulations shall be substituted as under

“16. Transfer of Connectivity:

16.1 An applicant or a user shall not transfer its connectivity and the associated rights and obligations, either in full or in parts, to any other person except as provided hereunder:

(a) Connectivity granted to a parent company may be transferred to its subsidiary companies and connectivity granted to a subsidiary may be transferred to its parent company.

(b) Transfer of connectivity to the other person shall be allowed only upon transfer of the generating station / electrical plant and/or electric line to such other person under a transfer arrangement in accordance with law.

16.2 Such other person under clause 16.1 shall apply to the Nodal Agency for transfer of connectivity as per procedure laid down under these regulations. On issue of revised grant of connectivity by the Nodal Agency, entities shall enter into a fresh connectivity agreement(s) and be responsible for compliance with all applicable regulations:

Provided that all liabilities and obligations in accordance with these regulations till the connectivity is not transferred, shall continue to remain with the original applicant / user and subsequently the transferee shall be bound by all liabilities and obligations.”

13. Amendment to Schedule (Promotional Measures/ Conditions for Plants generating Non-firm Power) of the Principal Regulations:

13.1 Schedule (Promotional Measures/ Conditions for Plants generating Non-firm Power) at the end of the Principal Regulations shall be deleted.

13.2 The words “non-conventional” shall be substituted with the word “renewable” in clause(s) 2.1(r), 3, proviso to 6.2, proviso to 8.1 and 14.1 of the Principal Regulations.

By the Order of Commission,

SHAIENDRA GAUR,
Secretary.

पी०एस०यू०पी०-ए०पी० 1135 राजपत्र-2024-(3150)-588 प्रतियां (कम्प्यूटर/टी०/ऑफसेट)।

पी०एस०यू०पी०-ए०पी० 13 सा० ऊर्जा-2024-(3151)-100+500=600 प्रतियां (कम्प्यूटर/टी०/ऑफसेट)।