



Uttar Pradesh Electricity Regulatory Commission

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Dated: July 29, 2024

PUBLIC NOTICE

The Commission has framed draft UPERC (Terms and Conditions for Open Access) (First Amendment) Regulations, 2024. The Draft Regulations along with discussion paper is available on the website of the Commission: www.uperc.org. The Commission hereby invites written suggestions/comments from all stakeholders and public at large on the same, which must reach to the Secretary Uttar Pradesh Electricity Regulatory Commission formally by post or through e-mail at secretary@uperc.org by August 28, 2024. The Public Hearing on the matter shall be held on August 29, 2024 at 15:30 hours in the office of the Commission.

Consolidated Principal Regulations is also put up on the Commission's website along with Draft Regulations for the purposes of ready reference.

Secretary

Discussion Paper on Draft Uttar Pradesh Electricity Regulatory Commission (Terms and Conditions for Open Access) (First Amendment) Regulations, 2024.

1. In pursuance of the Electricity Act, 2003, the Uttar Pradesh Electricity Regulatory Commission had published the Uttar Pradesh Electricity Regulatory Commission (Terms and Conditions for Open Access) Regulations, 2019 on December 10, 2019 (“the Principal Regulations”). However, subsequent to its notification, various regulatory and sectoral developments have taken place at national level as well as state level, which have necessitated amendment to the said Principal Regulations.
2. As per Section 86 (1) (e) of the Electricity Act, 2003, the State Electricity Regulatory Commissions (“SERCs” or “State Commissions”) have been assigned the function of promoting generation of electricity from renewable sources of energy by providing suitable measures for connectivity with the grid and sale of electricity to any person. There have been certain sectoral developments, including the notification of the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 (“GEOA Rules”) by the Ministry of Power, Government of India. Subsequently First and Second Amendments to the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 were notified by the Ministry of Power, Government of India.
3. For fulfilling the objective of the Electricity Act, 2003 for the promotion of efficient and environmentally benign policies, and in the interest of ensuring a better environment for the public at large, Uttar Pradesh Electricity Regulatory Commission proposes to amend the said Principal Regulations. The provisions of GEOA Rules have been appropriately incorporated in the Draft Uttar Pradesh Electricity Regulatory Commission (Terms and Conditions for Open Access) (First Amendment) Regulations, 2024 to facilitate and promote the adoption of renewable energy sources by fostering regulatory clarity / certainty and simplifying / streamlining the process of granting open access to consumers of green energy.

**UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW**

No. UPERC/Secy/Regulation/

Lucknow: Dated, , 2024

NOTIFICATION (DRAFT)

In exercise of powers conferred under Section 181 of the Electricity Act, 2003 (Act no. 36 of 2003) (hereinafter referred to as 'the Act') 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 (Terms and Conditions for Open Access) Regulations, 2019, (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 (Terms and Conditions for Open Access) (First Amendment) Regulations, 2024.
- 1.2 These regulations shall come into force from the date of their publication in the Official Gazette.

2. Amendment to Regulation 2 of the Principal Regulations:

- 2.1 The word "Rules" shall be substituted with the word "Regulations" at two places in Regulation 2.1 of the Principal Regulations.
- 2.2 The words "'Bilateral transaction" means" shall be substituted with the words "'Bilateral transaction" in terms of short-term open access means" in clause (b) of Regulation 2.4 of the Principal Regulations.
- 2.3 A new clause, namely, clause (c-i) shall be added after clause (c) of Regulation 2.4 of the Principal Regulations as under:

“(c-i) “Central Nodal Agency” or “CNA” for green energy open access means a Central Nodal Agency as notified by the Central Government to set up and operate a single window green energy open access system for renewable energy;”
- 2.4 A new clause, namely, clause (e-i) shall be added after clause (e) of Regulation 2.4 of the Principal Regulations as under:

“(e-i) “Deviation” in a time block shall have the same meaning as defined under CERC (Deviation Settlement Mechanism and Related Matters) Regulations, 2022 (“CERC DSM Regulations”);
- 2.5 Clause (g) of Regulation 2.4 of the Principal Regulations shall be substituted as under:

“(g) “Energy Account” means energy account(s) prepared by State Load Despatch Centre at all the interface points (i.e. generation – transmission / distribution, transmission – distribution and transmission / distribution – open access consumer) and shall include the DSM account(s), Reactive Energy Charges Account(s) and any other accounts as may be notified by the Commission, as applicable, in case of use of transmission system(s) with or without distribution system(s):

Provided that State Load Despatch Centre shall also have to prepare such accounts in

case both point of injection and drawal are located within distribution system(s) only without the use of transmission system;”

2.6 Two new clauses, namely, clause (g-i) and clause (g-ii) shall be added after clause (g) of Regulation 2.4 of the Principal Regulations as under:

“(g-i) “Renewable Energy” / “Green Energy” means the electrical energy from renewable sources of energy including hydro and storage (if the storage uses renewable energy) or any other technology / sources as may be notified by the Government of India from time to time and shall also include any mechanism that utilises green energy to replace fossil fuels including production of green hydrogen or green ammonia;”

“(g-ii) “Green Energy Open Access” or “GEOA” means open access to consumer(s) of green energy with contracted load / sanctioned load of hundred (100) kW & above through single connection or with aggregated contracted load / sanctioned load of hundred (100) kW & above but not exceeding one hundred fifty (150) kW through multiple connections having same retail category in the same name located in same electricity division of a distribution licensee through a Lead GEOA Consumer, subject to the fulfilment of the technical / operational requirement as specified in these Regulations and the expression “Green Energy Open Access Consumer(s)” or “GEOA Consumer(s)” shall be construed accordingly:

Provided that in case of captive user availing green energy, there shall not be such load limitation and the same shall be subject to the fulfilment of requisitions and schedules having resolution of 0.01 MW for each of the open access transaction in accordance with UPEGC / IEGC and such open access shall be subject to the fulfilment of the technical / operational requirement as specified in these Regulations:

Provided further that the above licence area restriction shall be applicable to Paschimanchal Vidyut Vitran Nigam Limited, Dakshinanchal Vidyut Vitran Nigam Limited, Madhyanchal Vidyut Vitran Nigam Limited, Purvanchal Vidyut Vitran Nigam Limited & Kanpur Electricity Supply Company Limited only and for all other distribution licensees, the area to be considered shall be equal to the entire licence area;”

2.7 Clause (h) of Regulation 2.4 of the Principal Regulations shall be deleted.

2.8 A new clause, namely, clause (h-i) shall be added after clause (h) of Regulation 2.4 of the Principal Regulations as under.

“(h-i) “Lead GEOA Consumer” means authorized representative designated among GEOA Consumers who will act as a coordinating agency on their behalf in case of green energy open access availing by aggregating contracted load / sanctioned load of hundred (100) kW & above but not exceeding one hundred fifty (150) kW through multiple connections having same retail category in the same name located in same electricity division of a distribution licensee as per these Regulations;”

2.9 The words “but not exceeding 25 years” shall be added at the end in clause (i) of Regulation 2.4 of the Principal Regulations.

- 2.10 The words “exceeding 3 months but not exceeding 5 years” shall be substituted with the words “exceeding 11 months but not exceeding 3 years” in clause (j) of Regulation 2.4 of the Principal Regulations.
- 2.11 Clause (m), clause (p) and clause (q) of Regulation 2.4 of the Principal Regulations shall be deleted.
- 2.12 Three new provisos shall be added to sub-cause (iii) of clause (n) of Regulation 2.4 of the Principal Regulations as under:
- “Provided that GEOA Consumer(s) who has contracted load / sanctioned load of hundred (100) kW & above through single connection or with aggregated contracted load / sanctioned load of hundred (100) kW & above but not exceeding one hundred fifty (150) kW through multiple connections having same retail category in the same name located in same electricity division of a distribution licensee through a Lead GEOA Consumer, subject to the fulfilment of the technical / operational requirement as specified in these Regulations:
- Provided further that in case of captive user availing green energy, there shall not be such load limitation and the same shall be subject to the fulfilment of requisitions and schedules having resolution of 0.01 MW for each of the open access transaction in accordance with UPEGC / IEGC and such open access shall be subject to the fulfilment of the technical / operational requirement as specified in these Regulations:
- Provided also that the above licence area restriction shall be applicable to Paschimanchal Vidyut Vitran Nigam Limited, Dakshinanchal Vidyut Vitran Nigam Limited, Madhyanchal Vidyut Vitran Nigam Limited, Purvanchal Vidyut Vitran Nigam Limited & Kanpur Electricity Supply Company Limited only and for all other distribution licensees, the area to be considered shall be equal to the entire licence area.”
- 2.13 The words “(including green energy open access)” shall be added after the words “one who consumes electricity through open access” and before the words “from a person” in clause (o) of Regulation 2.4 of the Principal Regulations.
- 2.14 The words “3 months” shall be substituted with the words “11 months” in clause (r) of Regulation 2.4 of the Principal Regulations.
- 2.15 The word “Rules” shall be substituted with the word “Regulations” at two places in Regulation 2.5 of the Principal Regulations.
- 3. Amendment to Regulation 4 of the Principal Regulations:**
- 3.1 The words “exceeding 5 years” shall be substituted with the words “exceeding 5 years but not exceeding 25 years” in Regulation 4.2 of the Principal Regulations.
- 3.2 The words “more than 3 months and up to 5 years” shall be substituted with the words “more than 11 months and up to 3 years” in Regulation 4.3 of the Principal Regulations.
- 3.3 The words “3 months” shall be substituted with the words “11 months” in Regulation 4.4 of the Principal Regulations.
- 4. Amendment to Regulation 7 of the Principal Regulations:**
- 4.1 Three new provisos shall be added to Regulation 7.1 and to clause (c) of Regulation 7.3 of the Principal Regulations as under:

“Provided that GEOA Consumer(s) who has contracted load / sanctioned load of hundred (100) kW & above through single connection or with aggregated contracted load / sanctioned load of hundred (100) kW & above but not exceeding one hundred fifty (150) kW through multiple connections having same retail category in the same name located in same electricity division of a distribution licensee through a Lead GEOA Consumer, subject to the fulfilment of the technical / operational requirement as specified in these Regulations:

Provided further that in case of captive user availing green energy, there shall not be such load limitation and the same shall be subject to the fulfilment of requisitions and schedules having resolution of 0.01 MW for each of the open access transaction in accordance with UPEGC / IEGC and such open access shall be subject to the fulfilment of the technical / operational requirement as specified in these Regulations:

Provided also that the above licence area restriction shall be applicable to Paschimanchal Vidyut Vitran Nigam Limited, Dakshinanchal Vidyut Vitran Nigam Limited, Madhyanchal Vidyut Vitran Nigam Limited, Purvanchal Vidyut Vitran Nigam Limited & Kanpur Electricity Supply Company Limited only and for all other distribution licensees, the area to be considered shall be equal to the entire licence area.”

4.2 The words “other charges” shall be substituted with the words “other fees and charges” at two places in first proviso of Regulation 7.3 of the Principal Regulations.

4.3 Two new provisos shall be added after first proviso to Regulation 7.3 as under:

“Provided further that cross subsidy surcharge and additional surcharge shall not be applicable in case power produced from a non-fossil fuel based Waste-to-Energy plant is supplied to GEOA Consumer:

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

4.4 The words “Consumers with Contracted demand of 1 MW or above” shall be substituted with the words “Open Access Consumers” in fourth proviso of Regulation 7.3 of the Principal Regulations.

4.5 Seventh proviso to Regulation 7.3 of the Principal Regulations shall be substituted as under:

“Provided that prior to grant of open access, consumer shall enter into connection agreement in accordance with UPERC (Grant of Connectivity to intra-State Transmission System) Regulations, 2010 whereas in case of consumer who is connected with the system of distribution licensee, the said connectivity agreement should be in line with the existing connectivity agreement with transmission system incorporating suitable modification in consultation with distribution licensee, as the case may be.”

5. Amendment to Regulation 14 of the Principal Regulations:

5.1 Second proviso to Regulation 14 of the Principal Regulations shall be substituted as under:

“Provided further that for short-term open access customer, anything done or to be done or purported to be done under these Regulations, shall constitute an Agreement (written or implied) entered into by the customer with SLDC, STU or any other transmission licensee, distribution licensee or any other person concerned with the open access transaction.”

6. Amendment to Regulation 15 of the Principal Regulations:

- 6.1 Second proviso to Regulation 15.3 of the Principal Regulations shall be deleted.
- 6.2 The word “marginal” shall be substituted with the words “open access” at five places in Regulation 15.4 of the Principal Regulations.
- 6.3 A new clause (ix) shall be added to Regulation 15.4 of the Principal Regulations as under:
“(ix) In case of reduction or cancellation due to under-utilisation of the open access capacity under Regulation 15.4, open access customer shall be liable to pay 75% of applicable open access charges for such period of reduction or cancellation in addition to full open access charges on revised capacity during remaining period of transaction.”
- 6.4 The word “transmission” shall be substituted with the words “transmission/wheeling” at two places in Regulation 15.9 of the Principal Regulations.
- 6.5 Regulation 15.10 of the Principal Regulations shall be deleted.
- 7. Amendment to Regulation 18 of the Principal Regulations:**
- 7.1 Two new provisos shall be added to Regulation 18.1 of the Principal Regulations as under:
“Provided that additional surcharge shall not be applicable for GEOA Consumer, if fixed charges are being paid by such a consumer:
Provided also that additional surcharge shall not be applicable in case electricity produced from offshore wind projects, which are commissioned upto December, 2025 and supplied to GEOA Consumer.”
- 8. Amendment to Regulation 20 of the Principal Regulations:**
- 8.1 Second proviso to Regulation 20.1 of the Principal Regulations shall be substituted as under:
“Provided further that standby power from any other source shall be scheduled in accordance with the provisions of the relevant Grid Code / Regulations.”
- 8.2 The words “60 days in a year” shall be substituted with the words “60 number of days in a financial year” in clause (ii) of Regulation 20.2 of the Principal Regulations.
- 8.3 The words “1.5 times” shall be substituted with the words “1.25 times” in clause (ii) of Regulation 20.2 of the Principal Regulations.
- 8.4 A new Regulation, namely, Regulation 20.3 shall be added after Regulation 20.2 of the Principal Regulations as under
“20.3 For the purposes of these Regulation, “Standby Charges” means the charges applicable to full open access consumers towards the standby arrangement provided by the distribution licensee of the area of supply, in case the open access consumer is unable to procure / schedule power from the generating sources with whom they have the agreements to procure power due to outages of generator, transmission assets and the like. Such standby charges for maintaining standby arrangements for such consumers should be reflective of the costs incurred by distribution licensee for providing these support services.”
- 9. New Regulation 20A: Load Imbalance Settlement Charges-**
- 9.1 A new Regulation, namely, Regulation 20A shall be added after Regulation 20 of the Principal Regulations as under:

“20A. Load Imbalance Settlement Charges-

- 20A-1 Notwithstanding anything contained in these Regulations, Load Imbalance Settlement (hereinafter referred to as LIS) Charges shall be applicable to part open access consumer, if such part open access consumer is fed through mixed feeder (not an independent feeder) and has opted exemption from implementation of DSM.
- 20A-2 LIS Charges shall be applicable on the open access energy scheduled by such part open access consumer:
Provided that LIS Charges shall be ten (10) percent of the energy charge applicable to respective consumer category.
- 20A-3 A separate pool account shall be established to manage LIS Charges collected from part open access consumers. LIS pool account shall be constituted, maintained and operated by concerned distribution licensee of his area of supply.
- 20A-4 Amount collected against LIS Charges shall be utilised in payment of DSM Charges payable by concerned distribution licensee.
- 20A-5 The surplus amount, if any, in LIS pool account at the end of the financial year shall be utilised for reducing wheeling charges of the concerned distribution licensee.”

10. Amendment to Regulation 21 of the Principal Regulations:

- 10.1 In the heading in Regulation 21 of the Principal Regulations, the words “Imbalance Charges” shall be substituted with the words “Deviation Charges”.
- 10.2 Regulation 21.2 and Regulation 21.3 (with Table) of the Principal Regulations shall be substituted as under:
“21.2 Deviation between scheduled injection / drawal and actual injection / drawal of STU / Discom connected generator (except for solar and wind generating plant), distribution licensee and open access consumer in respect of intra-State open access transaction will be settled as per DSM Regulations specified by Central Commission:
Provided that for the purpose of DSM, scheduled drawal in a time block for a part open access consumer means total scheduled drawal aggregating entitlement(s) of such consumer from open access and from distribution licensee of the area of supply.
- 21.3 Deviation between scheduled injection and actual injection of STU / Discom connected solar and wind generating plant in respect of intra-State open access transaction will be settled as per UPERC (Forecasting, Scheduling, Deviation Settlement and Related Matters of Solar and Wind Generation Sources) Regulation, 2018 and amendments thereof.
- 21.4 Notwithstanding anything contained in these Regulations, part open access consumer if is fed through mixed feeder (not an independent feeder) shall have an option of exemption from implementation of DSM. However, such part open access consumer shall be liable to pay Load Imbalance Settlement Charges as per Regulation 20A of these Regulations.
- 21.5 Over drawals / under drawals along with the commercial treatments in case of open access consumer with implementation of DSM or of part open access consumer opted exemption from DSM as per Regulation 20A, will be settled as per UPEGC / IEGC.”

11. Amendment to Regulation 27 of the Principal Regulations:

- 11.1 Two new provisos shall be added to Regulation 27.1 of the Principal Regulations as under:
- “Provided that in case both point of injection and drawal are located within distribution system(s) without the use of transmission system, SLDC shall be responsible for scheduling and despatch of such electricity at point of injection and drawal in line with the provisions of UPEGC / IEGC or applicable Regulations:
- Provided further that Lead GEOA Consumer shall participate in day ahead scheduling process with SLDC by providing drawal schedules in line with the provisions of UPEGC / IEGC.”
- 11.2 Regulation 27.2 of the Principal Regulations shall be substituted as under:
- “27.2 Open access transaction shall be carried out in accordance with the provisions of these Regulations and as per the procedures for scheduling, despatch, energy accounting, DSM and settlement of open access transactions in accordance with UPEGC / IEGC or applicable Regulations.”
- 12. Amendment to Regulation 28 of the Principal Regulations:**
- 12.1 In the heading in Regulation 28 of the Principal Regulations, the words “**Accounting in case of Open Access**” shall be substituted with the words “**Accounting of Part Open Access in case opted Exemption from DSM**”.
- 13. Amendment to Regulation 29 of the Principal Regulations:**
- 13.1 Regulation 29 of the Principal Regulations shall be substituted as under:
- “29. Metering–**
- 29.1 The installation, operation, calibration and maintenance of Interface Energy Meters (IEMs) with automatic remote meter reading (AMR) facility including additional communication links, if any, required for the purpose of AMR facility shall be in accordance with CEA Metering Regulations and CEA Communications Regulations:
- Provided that green energy open access consumer connected at voltage below 11 kV and opted exemption from DSM as per Regulation 20A shall have the option to use Smart Meter as per CEA Metering Regulations.
- 29.2 It shall be the responsibility of STU to provide specifications for meters to be installed at appropriate inter-connection / interface points (injection and drawal points) for facilitating the open access transactions.
- 29.3 Open access customer shall establish communication facilities with SLDC and provide such information and in such format as may be specified by SLDC, on real time basis as well as periodically.
- 29.4 Interface Energy Meters shall be compatible with energy accounting software of SLDC.
- 29.5 It shall be the responsibility of the generating company or the licensee, in whose premises the meter has been installed, to download the meter data, record the metered data and furnish such data to SLDC and other agencies as required. The reading and recording of meters at open access consumer end shall be done by the distribution licensee for which open access consumer shall provide access to the authorized representative(s) of the licensee if required:

Provided that manual reading of meter shall be done in case readings have not been transmitted through AMR facility due to any reason however, such automatic remote meter reading shall be restored immediately by the generating company or the licensee or the open access consumer as the case may be.

- 29.6 For the purpose of metering and accounting of open access consumer directly connected to transmission system at voltage 33 kV and above, location of interface meters (main meter, check meter and standby meter) shall be as per UPERC (Grant of Connectivity to intra-State Transmission System) Regulations, 2010 and amendment thereof.

For the purpose of metering and accounting of open access consumer directly connected to distribution system at voltage 33 kV and below, the interface meters (main meter and check meter) shall be installed by the distribution licensee at open access consumer end, whereas interface meter (standby meter) shall be installed by the distribution licensee in its premises in case of independent feeder or at open access consumer end in case of mixed feeder. The cost of these interface meters shall be borne by open access consumer.

- 29.7 Open access consumer shall have the option to make available meters himself at his cost for installation by the licensee. STU shall make available on its website, an updated list of makes and specifications of meters and associated equipment, as approved by STU for purchase of meters by open access consumer.”

14. Amendment to Clause 31 of the Principal Regulations:

- 14.1 In Regulation 31.1 of the Principal Regulations, the sentence “The SLDC is directed to submit the above-mentioned procedure within 60 days of notification of this Regulation” shall be deleted.

- 14.2 Regulation 31.2 of the Principal Regulations shall be substituted as under:

“31.2 Energy account prepared by SLDC shall be used for billing purposes:

Provided that SLDC shall issue energy account for electricity and quantify the demand and energy supplied by the distribution licensee in case where open access consumer receives electricity through both open access as well as from distribution licensee. On the basis of energy account prepared and issued for the relevant month by SLDC, distribution licensee shall accordingly prepare and raise bill for electricity supplied including demand charge and protective load charge (wherever applicable) on open access consumer in accordance with terms and conditions of retail tariff and rates specified by the Commission in the retail tariff order as applicable to such open access consumer.”

- 14.3 Clause (iv) of Regulation 31.4 of the Principal Regulations shall be deleted.

- 14.4 The words “imbalance charges” shall be substituted with the words “deviation charges” in clause (vii) of Regulation 31.4 of the Principal Regulations.

- 14.5 The words “Imbalance charges” shall be substituted with the words “deviation charges” in clause (viii) of Regulation 31.5 of the Principal Regulations.

15. New Regulation 31A: Role of Lead GEOA Consumer:

- 15.1 A new Regulation, namely, Regulation 31A shall be added after Regulation 31 of the Principal Regulations as under:

“31A. Role of Lead GEOA Consumer–

31A-1 Lead GEOA Consumer shall be authorized based on mutually agreed terms and conditions from amongst GEOA Consumer(s). Lead GEOA Consumer shall register themselves with the concerned Nodal Agency. Lead GEOA Consumer shall be the single point contact with STU, SLDC, any other transmission licensee / distribution licensee and other agencies on behalf of its GEOA Consumer(s) for the following purposes among others:

- (i) Submit its authorization as Lead GEOA Consumer on behalf of its GEOA Consumer(s) to the concerned Nodal Agency;
- (ii) Submit green energy open access application;
- (iii) Provide schedules;
- (iv) Coordination with STU / SLDC and other agencies for metering, data collection / transmission and real time data communication, energy accounting, billing, payment security and settlement of green energy open access transaction(s);
- (v) Undertake commercial settlements on behalf of GEOA Consumer(s), of such charges pertaining to drawal deviations including payment to / receipt from State Pool Account through SLDC (wherever applicable) and of open access charges.
- (vi) Undertake de-pooling of payments made or received from the State Pool Account and of open access charges / applicable charges payments.

Note: "De-Pooling" means the disaggregation and apportionment of the deviations and the applicable charges among GEOA Consumer(s) which shall be governed by their inter-se agreements.

- (vii) Undertake commercial settlement of any other charges on behalf of GEOA Consumer(s) as mandated from time to time.

Provided that for all practical purposes including scheduling, metering, accounting, billing and payment of individual green energy open access consumer(s), the distribution licensee shall develop a procedure for aggregation of contracted load / sanctioned load of multiple connections under a division supported by web based accounting and billing / payment system for such group of green energy open access consumers.

31A-2 Notwithstanding the authorization of Lead GEOA Consumer, the onus of complying with the relevant provisions of these Regulations shall remain that of concerned GEOA Consumer(s), and the commercial & other arrangements between them and their Lead GEOA Consumer shall be governed by their inter-se agreements."

16. Amendment to Schedule-A (Procedure for Long-Term and Medium-Term Open Access) of the Principal Regulations:

16.1 Two new provisos shall be added to Regulation 2.1 of Schedule-A of the Principal Regulations as under:

"Provided that an application for medium term green energy open access complete in all respect shall be submitted on the GOAR Portal and the same shall get routed to STU for grant of medium term green energy open access:

Provided further that such application for grant of medium term green energy open access shall contain the declarations by the customer that necessary infrastructure for time-block wise metering

and accounting in accordance with the provisions of Grid Code and appropriate communication system in accordance with the provisions of CEA Communication Regulations are in place for the point of injection & point of drawal and that there is a valid contract for the proposed scheduling.”

- 16.2 A new Regulation, namely, Regulation 2.1A shall be added after Regulation 2.1 of Schedule-A of the Principal Regulations as under:

“2.1A STU shall conduct a preliminary scrutiny to ensure application is complete in all respects. In case of any discrepancy / shortcoming / requirement of any further information, STU shall intimate the customer for rectification of the deficiency within a period of seven (7) working days from the date of receipt of application.”

- 16.3 A new proviso shall be added to clause (ii) of Regulation 2.2 of Schedule-A of the Principal Regulations as under:

“Provided that an application for medium term green energy open access shall be submitted at least three months in advance.”

- 16.4 Proviso to Regulation 2.3 of Schedule-A of the Principal Regulations shall be substituted as under:

“Application shall be accompanied by non-refundable application fee by RTGS/NEFT/IMPS or through any other mode of digital payment in favour of the Officer as notified by STU payable at Lucknow.”

- 16.5 A new proviso shall be added at the end of Regulation 2.3 of Schedule-A of the Principal Regulations as under:

“Provided that in case of green energy open access consumers intending to avail open access through Lead GEOA Consumer, the non-refundable application fee shall have to be paid by all the individual GEOA Consumers.”

- 16.6 In Regulation 3.1 of Schedule-A of the Principal Regulations, the sentence “and not later than seven days” shall be deleted.

- 16.7 A new proviso shall be added to Regulation 3.1 of Schedule-A of the Principal Regulations as under:

“Provided that for medium term green energy open access, such feasibility reports shall be submitted by the transmission licensee and/or distribution licensee to STU within fifteen (15) days.”

- 16.8 A new proviso shall be added to clause (iii) of Regulation 4.1 of Schedule-A of the Principal Regulations as under:

“Provided that in case of medium term green energy open access, STU shall confirm grant of open access within thirty (30) days from the date of receipt of the application with direction to the customer to enter into BPTA and/or BPWA with concerned transmission licensee and/or distribution licensee within fifteen (15) days.”

17. Amendment to Schedule-A (Procedure for Long-Term and Medium-Term Open Access) and Schedule-B (Procedure for Short-Term Open Access) of the Principal Regulations:

- 17.1 The words “consumers with contracted demand of more than 1 MW” shall be substituted with the words “Open Access Consumers” in Regulation 6.2 of Schedule-A and Regulation 7.7 of Schedule-B of the Principal Regulations.

18. Amendment to Schedule-B (Procedure for Short-Term Open Access) of the Principal Regulations:

18.1 Regulation 2, Regulation 3, Regulation 4 and Regulation 5 of Schedule-B of the Principal Regulations shall be substituted as under:

“2. Registration with SLDC–

2.1 The injecting entity / drawee entity shall apply for ‘Registration’ on format [FORMAT-ST11] with SLDC. The registration charges will be as specified in UPERC (Fees & Charges of State Load Despatch Centre and other related matters) Regulations, 2020 as amended from time to time or as specified in any order of the Commission. Such injecting entity / drawee entity shall declare that necessary infrastructure for time-block wise metering and accounting in accordance with the provisions of Grid Code and appropriate communication system in accordance with the provisions of CEA Communication Regulations are in place for the point of injection / point of drawal, as the case may be. Any new entity shall obtain connectivity to the intra-State transmission system and/or distribution system as per the applicable UPERC Regulations prior to making an application for registration:

Provided that in case of green energy open access consumers intending registration through Lead GEOA Consumer, the registration charges shall have to be paid by all the individual green energy open access consumers.

2.2 The injecting entity / drawee entity shall seek concurrence of STU / any other transmission licensee and/or distribution licensee concerned for the point of injection / point of drawal, as the case may be, on formats [FORMAT-ST12(A)&(B)]. STU / any other transmission licensee and/or distribution licensee shall convey his concurrence or otherwise on formats [FORMAT-ST13(A)&(B)] to SLDC within seven (7) working days for such injection / drawal quantum during the stated period:

Provided that in case of rejection of request for concurrence, STU / any other transmission licensee or distribution licensee shall convey reasons to SLDC in writing with a copy to the entity. SLDC may seek clarification from the concerned licensee and take appropriate decision as deemed fit.

2.3 SLDC shall conduct a preliminary scrutiny to ensure application is complete in all respects. In case of any discrepancy / short coming / requirement of any further information, SLDC shall intimate concerned entity for rectification of the deficiency within a period of seven (7) working days from the date of receipt of FORMAT-ST11. SLDC shall convey acceptance of registration or otherwise in FORMAT-ST12 to the injecting entity / drawee entity, as the case may be, within fifteen (15) working days from the date of receipt of application complete in all respect including receipt of required concurrences. The registration will be valid for a period of one (1) year and may be renewed thereafter for a period of one (1) year after obtaining concurrence of STU / any other transmission licensee and/or distribution licensee by such injecting entity / drawee entity. The concerned entity shall initiate the process of renewal at least three (3) months in advance, to avoid any discontinuity:

Provided that in case there is any material change with regard to the quantum of power to be interchanged (by more than five (5) percent) using the intra-State transmission and/or distribution system, a fresh registration shall be obtained under these regulations.

- 2.4 The registration of injecting entity / drawee entity is aimed at recording basic inputs on the basis of which technical / operational constraints in transmission and/or distribution system shall be assessed by SLDC before permitting open access. It should not be mistaken as a grant / guarantee of short term open access.
- 2.5 “Concurrence” shall mean in principle consent for allowing use of transmission and/or distribution system during a stated period after due verification of spare capacity, any technical / operational constraint and availability of necessary infrastructure for time-block wise metering and accounting and appropriate communication system. The concurrence shall be applicable for stated injection quantum or drawal quantum, as the case may be, during the stated period.
- 2.6 The injecting entity / drawee entity shall ensure that all details are correct, failing which the registration may be cancelled / denied by SLDC.

Provided further that in case of any change in the information provided by the entity it shall be incumbent upon the entity to update the information with SLDC.

3. Registration with GOAR Portal in case of Green Energy Open Access-

- 3.1 The entity shall obtain registration with SLDC under Regulation 2 of Schedule-B prior to making an application for registration in GOAR Portal as per CERC Regulations / CNA procedure as applicable.

4. Application for Grant of Short-Term Open Access–

- 4.1 The short-term open access customer (hereinafter referred to as “customer”) intending to avail short term open access shall make an application for a specified quantum and specified time period on format [FORMAT-ST1] with SLDC.

Provided that an application for green energy open access complete in all respect shall be submitted on the GOAR Portal and the same shall get routed to SLDC for grant of short-term green energy open access.

- 4.2 The customer seeking short term open access shall submit an undertaking that there is a valid contract for the said open access / proposed scheduling and not having entered into power purchase agreement or any other bilateral agreement with more than one person for the capacity (quantum of power) for which short term open access is sought.

- 4.3 Application shall be accompanied by non-refundable application fee of Rs. 5,000/- (or as determined by the Commission from time to time by an order) by RTGS/NEFT/IMPS or through any other mode of digital payment in favour of the Officer as notified by SLDC payable at Lucknow: In case of default in payment application fee, SLDC shall reject the application.

Provided that in case of green energy open access consumers intending to avail open access through Lead GEOA Consumer, the application fee shall have to be paid by all the individual green energy open access consumers.

- 4.4 Application for grant of short-term open access may be made under any of the following categories:

- 4.4.1 Advance application:

(a) An application for grant of open access commencing in any month shall be submitted up to 15th day of the preceding month.

For example, application for grant of open access commencing in the month of July shall be received up to 15th day of June.

Provided that application shall be submitted on the (D) day for grant of green energy open access starting on or after the (D+15) day, which may fall either in the same month as the (D) day or in the subsequent months.

(b) Scheduling request under Advance application category shall be made on day ahead basis.

4.4.2 Exigency application:

(a) An application for grant of open access with scheduling for such capacity shall be received by SLDC within three days prior to the date of scheduling but not later than 1300 Hours of the day immediately preceding the day of scheduling for day-ahead transaction.

For example, open access application with scheduling for 25th day of July shall be received on 22nd day or 23rd day or up to 1300 hours on 24th day of that month.

(b) Application with scheduling received after 1300 Hours of (S-1) day or in the (S) day shall be processed within 8-time blocks.

(c) Short term open access granted under Exigency application category shall be considered as scheduled, which cannot be revised.

5. Grant of Short-Term Open Access by Nodal Agency–

5.1 SLDC shall check open access transaction for congestion of any element (line and transformer) of transmission and/or distribution system involved in transaction and accordingly permit open access, if there is sufficient spare capacity available in transmission and/or distribution system without any system strengthening.

5.2 SLDC shall convey grant of open access or otherwise on format [FORMAT-ST2] to the customer as per timelines stipulated below.

5.2.1 Advance application:

Advance application for short-term open access shall be considered on first-come-first served basis and shall be processed latest by 25th day of such preceding month as stipulated in Regulation 4.4.1.

Provided that application for grant of green energy open access shall be considered on first-come-first served basis and shall be processed within a period of fifteen (15) days from the date of receipt of application complete in all respects, failing which it shall be deemed to have been approved subject to the fulfilment of the technical / operational requirements and conditions as specified under these Regulations.

5.2.2 Exigency application:

Exigency application for short term open access with the schedule for (S) day shall be processed as under:

(a) Application received till 1300 hrs of (S-1) day shall be processed after 1300 hrs on (S-1) day on first-come-first-served basis, and shall be finalised by 1500 hrs of (S-1) day.

(b) Application received after 1300 hrs of (S-1) day or in the (S) day shall be processed within 8-time blocks, on first-come-first-served basis.

5.3 In the event of rejection of application for grant of open access, SLDC shall give reasons for such rejection to the customer in writing:

5.4 In the event short term open access as applied for, cannot be granted for full quantum and full period as sought in the application, in view of constraints in transmission system and/or distribution system, the application shall be rejected:

Provided that in case the customer has given consent in its application that open access for part quantum or part period or both may be granted to it, short-term open access for such part quantum and part period or both shall be granted as per available transmission and/or distribution capacity.”

18.2 The word “operational” shall be substituted with the words “technical / operational” at two places in Regulation 7.8 of Schedule-B of the Principal Regulations.

By order of the Commission

Secretary