



Rajasthan Electricity Regulatory Commission

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PUBLIC NOTICE

In exercise of powers conferred under Section 86(1)(e) read with Section 181 of the Electricity Act, 2003, and all other powers enabling it in this behalf, the Rajasthan Electricity Regulatory Commission having framed the following Draft Regulations, invites suggestions/comments from the interested persons before finalizing them.

'RERC (Terms and Conditions for Green Energy Open Access) Regulations, 2024'

Notice is hereby issued inviting comments/suggestions on the above Draft Regulations from interested persons. The copy of the Draft Regulations may be obtained from the Receiving Officer of the Commission on payment of Rs. 100/-. The Draft Regulations are also available on Commission's website www.erc.rajasthan.gov.in.

The comments/suggestions if any should reach the Receiving Officer of the Commission in six copies on or before 18.10.2024.

Secretary

(Not to be published)

(B.L.Goyal)
IAS
Secretary



राजस्थान विद्युत विनियामक आयोग

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सार्वजनिक सूचना

विद्युत अधिनियम, 2003 की धारा 86 (1)(ई) सहपठित धारा 181 एवं अन्य सभी प्रावधान जो इस संदर्भ में इसे सामर्थ्य प्रदान करते हैं, के अंतर्गत राजस्थान विद्युत विनियामक आयोग द्वारा प्रारूप विनियम बनाये गये हैं। इनको अंतिम रूप देने से पूर्व आयोग द्वारा सभी इच्छुक व्यक्तियों से सुझाव/टिप्पणियां आमंत्रित की जाती हैं:

राजस्थान विद्युत विनियामक आयोग (हरित ऊर्जा खुली पहुंच हेतु निबन्धन एवं शर्तें)
विनियम, 2024.

एतद्वारा उपरोक्त वर्णित प्रारूप विनियमों की सूचना जारी कर इच्छुक व्यक्तियों से सुझाव/टिप्पणियाँ आमंत्रित किये जाते हैं। प्रारूप विनियम मय समर्थन विवरण की प्रतिलिपी आयोग के प्राप्तकर्ता अधिकारी के पास उपलब्ध है जिसे रू 100 का नकद भुगतान कर प्राप्त किया जा सकता है। प्रस्तावित विनियम मय समर्थक विवरण आयोग की वेबसाईट www.erc.rajasthan.gov.in पर भी उपलब्ध हैं।

यदि कोई व्यक्ति सुझाव/टिप्पणियाँ देना चाहे तो आयोग के प्राप्तकर्ता अधिकारी को दिनांक 18.10.2024 तक या इससे पूर्व छः प्रतियों में प्राप्त हो जानी चाहिए।

सचिव

(Not to be published)

(बी.एल.गोयल)

आईएस

सचिव

(Draft Regulation)

Rajasthan Electricity Regulatory Commission

“Rajasthan Electricity Regulatory Commission (Terms and Conditions for Green Energy Open Access) Regulations, 2024”

NOTIFICATION NO. _____ OF 2024

In exercise of the powers conferred under Section 181 of the Electricity Act, 2003 (36 of 2003), read with Sections 39, 40, 42, 61 and 86 thereof and all other powers enabling it in this behalf, and after previous publication, the Rajasthan Electricity Regulatory Commission hereby makes the following Regulations, namely Draft Rajasthan Electricity Regulatory Commission (Terms and Conditions for Green Energy Open Access) Regulations, 2024.

1. Short Title , Commencement and Extent of Application:

- i. These Regulations shall be called the Rajasthan Electricity Regulatory Commission (Terms and Conditions for Green Energy Open Access) Regulations, 2024.
- ii. These Regulations shall come into force from such date as the Commission may notify.

Provided that different dates may be appointed for commencement of provisions of different regulations.

- iii. These Regulations shall extend to the whole State of Rajasthan.

- iv. Notwithstanding anything contrary contained in any other Regulation time being in force, of the Commission, these Regulations shall be applicable for allowing Open Access to electricity generated from Renewable Energy Sources, both captive and third party, for use of Intra-State Transmission System/s (InSTS) and/or distribution system/s of licensee/s in the State, including such Intra-State Transmission and/or distribution system/s, which are incidental to Inter-State Transmission of electricity.

2. Definitions:

- (i) In these regulations, unless the context otherwise requires ,
 - a. "Act" means the Electricity Act, 2003 (36 of 2003);
 - b. "Applicant" means a consumer, trading licensee, distribution licensee or a Generating company who has applied seeking Green Energy Open Access as the case may be;
 - c. "Banking" means the surplus green energy injected in the grid and credited with the distribution licensee by the Green Energy Open Access consumers and that shall be drawn along with charges to compensate additional costs; if any;
 - d. "Central Nodal Agency" means the Nodal Agency as notified by the Central Government to set up and operate a single window green energy open access system for renewable energy as per the Rules;
 - e. "Commission" means the Rajasthan Electricity Regulatory Commission.
 - f. "Entity" means any consumer who has contracted demand or sanctioned load of one hundred kW or more either through single connection or through multiple connections aggregating one hundred kW or more located in the same electricity division of a distribution licensee, except for captive consumers. However, in case of captive consumers, there shall not be any load limitation.

- g. "Existing Consumer" means a person already availing open access for sourcing/supplying Renewable energy to the transmission system and/or distribution system of a licensee in state under an existing agreement or GoR policy on the date of coming into force of these Regulations.
- h. "Forum of Regulators" means the Forum as referred to in sub-section (2) of section 166 of the Act.
- i. "Green Energy/Renewable Energy" means the electrical energy from renewable sources of energy including hydro, pumped Storages Hydro generation, energy storage system and storage (if the storage uses only renewable energy), Municipal Solid Waste-to-Energy based generation, biomass and bagasse based co-generation plants or any other technology as may be notified by the GOI from time to time and shall also include any mechanism that utilizes renewable energy to replace fossil fuels including production of green hydrogen or green ammonia;
- j. "Green Energy Open Access Consumer" means any person who has contract demand or sanctioned load of 100 kW or more, either through single connection or through multiple connections aggregating one hundred (100) kW or more located in same electricity division of a distribution licensee, shall be eligible to take Green Energy through Open Access (captive consumers shall not have any load limit) or such other limit as may be specified by Commission from time to time, who are supplied with electricity from green energy sources for their own use by a licensee or the Government or from its own Captive Generation Plant or by any other person engaged in the business of supplying electricity to the public including captive under the Electricity Act, 2003 or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving green energy with the works of a licensee, the Government or such person, as

the case may be. There shall be no limit of supply of power for the captive consumers taking power under Green Energy Open Access:

- k. "Obligated Entity" means the entities mandated under Clause (e) of subsection (1) of Section 86 of the Act to fulfill the Renewable Purchase Obligation, which includes distribution licensee, captive consumer / user and open access consumer;
- l. "Open Access" means the non-discriminatory provision for the use of transmission lines or distribution system or associated facilities with such lines or system by any licensee or consumer or a person engaged in generation in accordance with the Regulations specified by the Appropriate Commission.
- m. "Person" shall include any company or body corporate or association or body of individuals whether incorporated or not, or artificial juridical person;
- n. "Rules" means Rules made under the Electricity Act 2003 including Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 and subsequent Amendments.
- o. "SLDC" means the State Load Dispatch Centre established under subsection (1) of section 31 of the Act.
- p. "State Transmission Utility" means the Board or the Government company specified as such by the State Government under sub-section (1) of section 39 of the Act;
- q. "Standby charges" means the charges applicable to green energy open access consumers against the standby arrangement provided by the distribution licensee, in case such green energy 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 systems and the like;

- r. "Wheeling" means the operation whereby the distribution system and associated facilities of a transmission licensee or distribution licensee, as the case may be, are used by another person for the conveyance of electricity on payment of charges to be determined under section 52 of the Act;
- (ii) Words and expressions used and not defined in these regulations but defined in the Act or the Indian Electricity Grid Code (IEGC) or the Rules prescribed by GOI or the State Grid Code or the State Electricity Supply Code shall have the meaning assigned to them under the Act or the IEGC or the Rules or the State Grid Code, or the State Electricity Supply Code or any other Regulations notified by the Commission as the case may be.

3. Criteria for allowing Green Energy Open Access (GEOA)

- i. The long-term GEOA shall be allowed in accordance with the transmission planning criteria and other relevant provisions stipulated in the State Grid Code and distribution plan as prepared by the Distribution Licensee.
- ii. The Short-Term/Medium Term open access shall be allowed, if the 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 transmission system capacity and/or distribution system capacity created to cater to future load growth;

Provided that any consumer may elect to purchase green energy either up to a certain percentage of the consumption or its entire consumption

and they may place a requisition for this with their distribution licensee, which shall procure such quantity of green energy and supply it and the consumer shall have the flexibility to give separate requisition for solar and non-solar Green Energy.

Provided also that any requisition for green energy from a distribution licensee shall be for a minimum period of one year.

Provided also that the quantum of green energy shall be pre-specified for at least one year.

Provided also that the green energy purchased from distribution licensee or from Renewable Energy sources other than distribution licensee in excess of Renewable Purchase Obligation of obligated entity shall be counted towards Renewable Purchase Obligation compliance of the distribution licensee.

Provided also that the Accounting of renewable energy supplied at distribution licensee level shall be on a monthly basis.

4. Categorization of Green Energy Open Access:

The Green Energy Open Access consumers shall be classified into the following categories based on the duration of use of the intra- state transmission and/or distribution system:

- i. "Long-term Green Energy Open Access" means the right to use the intra-State transmission system and/or distribution system for a period exceeding 12 years but not exceeding 25 years.

- ii. "Medium-term Green Energy Open Access" means the right to use the intra-State transmission system and/or distribution system for a period exceeding three months but not exceeding three years.
- iii. "Short-term Green Energy Open Access" means open access for a period up to one month at a time.

Provided that on expiry of granted short term Green Open Access, if such consumer desires to avail the short-term Green Energy Open Access for further period, it shall require to file application for such period and such application shall be considered as fresh application and priority shall be fixed on basis of date of such application.

5. Eligibility Criteria for applying GEOA

- i. Subject to the provisions of these Regulations and system availability, consumers shall be eligible for open access to the intra-state transmission system of the State Transmission utility or any transmission licensee/s and distribution system/s of the distribution Licensee/s within the State.

Provided that notwithstanding anything contained in these Regulations, any RE generating company having subsisting Power Purchase Agreement (PPA) with the Distribution Licensee, shall not be entitled to Open Access for the RE capacity, for which PPA is entered into, except in accordance with the terms of such PPA and also for such capacity (quantum of power) for which Open Access is already granted.

Provided further that, such open access shall be available on payment of such charges as may be determined by the Commission from time to time.

Provided also that such entities having been declared insolvent or bankrupt or having outstanding dues against them for more than 2 months of billing of the distribution/Transmission licensee or having a case of unauthorized use of electricity/ theft against them at the time of application, shall not be eligible for Open Access.

- ii. Every person, who has constructed a captive generating plant, shall have the right to open access as per the provisions of Section 9 of the Act read with rules & Regulations covered under the Act and orders of the Commission on the subject matters from time to time.

Provided that consumers who have contract demand or sanctioned load of 100 kW or more, either through single connection or through multiple connections aggregating Hundred (100) kW or more located in same electricity division of a distribution licensee, shall be eligible to take Green Energy through Open Access under these Regulations.

Provided further that there shall be no limit with respect to contracted load or sanctioned load for the captive use of energy by the consumer opting under Green Energy Open Access. However, this shall be on payment of charges and on such terms & conditions as may be decided by the Commission.

6. Nodal Agency

- i. All the applications related to green energy open access shall be submitted through the portal set up by the Central Nodal Agency. The applications shall be routed to the State Nodal Agency (SNA) by the Central Nodal Agency.

Provided that the application received through Central Nodal Agency by SNA shall be processed as per procedure & formats devised by SNA.

Provided also that the application shall be disposed within 15 days from the date of receiving the same from CNA.

- ii. Rajasthan State Transmission Utility (STU) shall operate as the State Nodal Agency (SNA) for grant of long-term and medium-term green energy open access and Rajasthan State Load Despatch Centre (SLDC) shall operate as the State Nodal Agency (SNA) for grant of short-term green energy open access.
- iii. The STU shall submit detailed procedures covering, but not limited to, timelines, Bank Guarantee, fees, Rejection, Energy Accounting and Settlement and other matters incidental thereto, required for smooth operation of Green Energy Open Access, for the approval of the Commission [along with required formats for granting GEOA within 30 days from the notification of these Regulations.
- iv. The SNA shall coordinate with transmission licensees including STU and the Distribution Licensees to make available all relevant information regarding green energy open access to the public on the portal of the Central Nodal Agency.

7. Treatment for existing Consumers:

The existing consumer(s)/generators may continue to avail the RE under open access as per the existing agreements or government policy for the period specified in those agreements or policies.

Provided that the existing consumers/generators shall continue to pay the applicable charges as specified in their respective agreements or as may be determined by the Commission from time to time.

Provided further that Green Energy Open Access for the subsequent period in respect of such consumer(s)/generator(s) shall be governed by provisions of these Regulations.

Provided also that if Open Access for any additional RE capacity is sought by such existing consumer(s)/generator(s) in addition to the capacity already contracted under open access, the same shall be treated as new application for Green Energy Open Access to the extent of additional capacity sought.

8. Allotment priority

- i. Distribution Licensees shall have highest priority.
- ii. GEOA consumers shall have preference over normal Open Access consumers.
- iii. Among the GEOA consumers, long-term GEOA consumers shall have preference followed by Medium term and subsequently short-term, at any given time, subject to availability of spare transmission/distribution system capacity margins.

Provided that, the decision for allowing the green energy open access shall be on the basis of first come first served.

9. Non-Utilization of open access service by Open Access Consumers

- i. In the event of inability of the short-term open access consumer to utilize for more than four hours, full or substantial part of the capacity allocated to him, such a short-term open access consumer shall inform the respective SLDC of his inability to utilise the capacity, along with reasons therefore and may surrender the use of capacity allocated to him.

However, such short-term consumer shall bear full transmission and /or wheeling charges based on the original reserved capacity and the period for which such capacity was reserved.

- ii. A medium-term/long-term consumer shall not relinquish or transfer his rights and obligations specified in the open access agreement without prior approval of the state nodal agency. The relinquishment or transfer of such rights and obligations by a long-term/medium term consumer shall be subject to payment of compensation, as provided in the procedure to be approved by the Commission.
- iii. The State Nodal Agency may cancel or reduce the capacity allocated to a short-term open access consumer to the extent it is underutilized, when such a short-term open access consumer under-utilizes the allocated capacity more than 2 times in a month with duration of under utilization exceeding 2 hours each time or fails to inform the distribution licensee of his inability to utilize the allocated capacity. Such cancellation shall be resorted to after giving due notice.
- iv. The surplus capacity available as a result of its surrender by the short-term open access consumer under clause (i) above or reduction or cancellation of capacity by the SLDC under clause (iii) above, may be allocated to any other short-term open access consumer in the order of pending applications based on the point of injection and drawl.

10. Energy Accounting :

i. Inter-state transactions:

In case of Green Energy Open Access carried out under inter-state transaction, energy accounting shall be as per the CERC Regulations.

Notwithstanding anything contrary contained in any other Regulations time being in force, if the generator situated in the State of Rajasthan and connected with the State grid and selling power outside the State the energy accounting for deviation settlement be carried out, wherein the deviation charge shall be either (A) Reference Charge Rate or (B) Normal Rate of Charges for deviation, whichever is higher.

Explanation: Reference Charge Rate and Normal Rate of Charges for deviation shall have the meaning as defined in CERC DSM Regulations from time to time.

ii. Intra-state transactions:

Long Term Access/Medium-Term Open Access/Short-Term Open Access:

The deviation charges shall be payable by the generator as per the RERC (Forecasting and Scheduling and Related Matters for Solar and Wind Generation Sources) Regulations, 2017 as amended from time to time.

Provided that the Green Energy Generator (RE generator) other than solar, wind and Wind-Solar Hybrid generator which were commissioned under the respective RE tariff orders passed by the Commission from time to time and in operation shall be governed by the provisions of relevant orders of the Commission.

Provided further that mechanism for energy settlement may be provided in the procedure to be approved by the Commission.

11. Charges for Green Energy Open Access :

The charges payable by the Green Energy Open Access consumers shall be as follows: -

- i. Transmission Charges
- ii. Wheeling Charges
- iii. Cross subsidy charges
- iv. Additional surcharge
- v. Banking Charges
- vi. Standby charges, wherever applicable
- vii. Reactive Energy Charges.
- viii. Other fees and charges such as SLDC fees and scheduling charges, deviation settlement (DSM) charges as per the relevant Regulations or orders of the Commission.
- ix. Any other charges as may be decided by the Commission from time to time

11.1 Transmission Charges

Green Energy Open Access Consumer using transmission system shall pay the charges as stated hereunder:

11.1.1 For use of inter-State transmission system:

As specified by the Central Commission from time to time.

11.1.2 For use of intra-State transmission system:

The determination of Transmission Charges for Long-Term, Medium-Term and Short-Term open access shall be determined by the Commission as per the prevailing provisions of the RERC Tariff Regulations from time to time. The applicable rate of Transmission Charge payable by Green Energy Open Access Consumer shall be specified by the Commission in its Tariff Order.

11.2 Wheeling Charges

Wheeling charges payable to distribution licensee, by the Green Energy Open Access Consumer for usage of its system shall be as determined by the Commission in the tariff order from time to time subject to provisions of RERC (Terms and Conditions for Tariff determination from Renewable Energy Sources) Regulations, 2020 as amended from time to time.

11.3 Cross Subsidy Surcharge

- a. The Green Energy Open Access facility availed by a consumer shall be required to pay cross subsidy surcharge as provided in relevant Tariff Order issued by the Commission from time to time, in addition to transmission and/or wheeling charges. Cross subsidy surcharge determined by the Commission on Per Unit basis shall be payable, on billing cycle basis, by the open access customers based on the actual energy consumed during the billing period through open access. The amount of surcharge shall be paid to the distribution licensee in whose area of supply such consumer is situated.

Provided that such cross-subsidy surcharge shall not be levied in case green energy open access is provided to a person who has established a captive generation plant for carrying the electricity to the destination of his own use.

Provided further that the Commission may not increase cross-subsidy surcharge for Green Energy Open Access Consumer purchasing green energy, from a generating plant using green energy (renewable energy) sources, during twelve years from the date of operating of the