

generating plant using renewable energy sources, by more than fifty percent of the surcharge fixed for the year in which open access is granted;

Provided also that Cross Subsidy Surcharge shall not be applicable in case power produced from a non-fossil fuel-based Municipal Solid Waste-to-Energy plant is supplied to the Open Access Consumer;

Provided also that Cross-Subsidy Surcharge shall not be applicable if green energy drawn through green energy open access is utilized for production of green hydrogen and green ammonia.

- b. Cross-Subsidy Surcharge shall not exceed 20% of the Average Cost of supply.
- c. The Cross Subsidy Surcharge payable by a consumer shall be such so as to meet the current level of cross subsidy within the area of supply of the distribution licensee.

11.4 Additional Surcharge

The Additional Surcharge shall not be applicable to the Green Energy Open Access consumer for the quantum of Green Energy Open Access availed if the fixed charge is being paid by such Green Energy Open Access consumer to the distribution licensee for the quantum of Green Energy Open Access availed up to contract demand / sanctioned load with the licensee.

Provided that in case the quantum of Green Energy Open Access availed by the Green Energy Open Access consumer is more than the contracted demand / sanctioned load with the licensee and no fixed charge or demand charge is being paid or payable for additional

quantum, in that case the Additional Surcharge determined by the Commission from time to time as per the Orders of the Commission shall be applicable for such additional quantum availed over the contracted demand / sanctioned load.

Provided further that such additional surcharges 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 also that Additional Surcharge shall not be applicable in case power produced from a Municipal Solid Waste-to-Energy plant is supplied to the Green Open Access Consumer.

Provided also that additional surcharge shall not be applicable in case electricity produced from offshore wind projects, which are commissioned up to December, 2032 and supplied to the Open Access Consumers.

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

11.5 Standby charges for drawl of power by Green Energy Open Access consumer from distribution licensee :

In case the 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, standby arrangement shall be provided

to Green Energy Open Access consumer by the distribution licensee of the area and the licensee shall be entitled to collect Standby charges as specified by the Commission.

Provided that the applicable standby charges shall be Twenty-Five per cent of the energy charges applicable to consumer tariff category.

Provided further that the standby charges shall be in addition to the applicable tariff on standby energy supplied by the Distribution Licensee to the Green Energy Open Access Consumer.

Provided further that the standby charges shall not be applicable, if the green energy open access consumer has given notice, in advance, at least a day in advance before closure time of Day Ahead Market (DAM) on "D – (minus) 1" day, 'D' being the day of delivery of power for standby arrangement to the distribution licensee.

Provided also that Green Energy Open Access consumers would have the option to arrange standby power from any other source.

11.6 Banking :

- i. The terms and conditions of Banking specified in these Regulations shall be applicable for both existing Renewable Energy based plants and new Renewable Energy based plants during the application of control period of these Regulations.
- ii. For availing the banking facility, the Renewable Energy based captive power plant shall install ABT compliant Special Energy Meters (SEMs), capable of energy accounting for each block of 15 minutes.

- iii. Banking of Energy subject to a maximum ceiling of 25 % of the energy injected by Renewable Energy Captive Generating Station during the month or 30% of the total monthly consumption of electricity from the distribution licensee by the consumer, whichever is higher, at consumption end shall be allowed only for captive consumption within the State:

Provided that no banking facility shall be allowed for Renewable Energy plants supplying power to third party under open access and for the Renewable Energy plant installed behind the meter:

Provided further that for availing Banking Facility, Renewable Energy Captive Generating Station shall enter into Wheeling and Banking Agreement with Distribution Licensee.

Provided also that the banking shall be allowed on annual basis for the financial year.

Provided also that the banking as well as withdrawal of banked energy shall be subject to scheduling as required.

Provided also that in a month the energy injected after accounting for losses shall be set off against the energy drawn from the Discom in the same month except excess energy drawn during the peak hours in the month declared by Distribution Licensee from time to time. The excess energy, if any, shall be carried forward to next month subject to limits specified above, after adjusting the banking charges.

Provided also that the Commission through a separate order may allow banking on the basis of Time of Day tariff slots.

Illustration:

If in any month, 1000 units of energy have been injected after accounting for losses and the total monthly consumption of electricity from the Distribution licensee by the consumer is 900 units out of which excess units consumed in peak hours are 100. Then excess injected energy to be considered for the particular month shall be 200 units $(1000 - (900 - 100))$ and the same shall be carried forwarded to next month as it is within the banking energy limit (higher of the 25% of 1000 units or 30% of 900 units). The banked energy considered for next month will be $200 \times (1 - 8\%) = 184$ units. The Discom will raise the bill for excess 100 units of energy consumed during peak hours as per applicable tariff.

Explanation: The excess energy drawn during the peak hours in a month = (Total energy drawn during the peak hours in the month - Total energy injected during the peak hours in the month).

If during the next month, 1000 units of energy have been injected after accounting for losses and the total monthly consumption of the electricity from the Discom by the consumer is 750 units out of which excess units consumed in peak hours are 100, the excess energy injected to be considered for that particular month shall be 350 units $(1000 - (750 - 100))$. Out of excess energy of 350 units, only 250 units (higher of the 25% of 1000 unit or 30% of 750) shall be banked and carried forwarded to next month, remaining 100 units $(350 - 250)$ shall lapse. Accordingly, $230 (250 \times (1 - 8\%)) + 184$ (Banked during previous month) equal to 414 units shall be carried forward to the next month. The Discom will raise the bill for excess 100 units of energy consumed during peak hours as per the applicable tariff.

If during the next month, 1000 units of energy have been injected after accounting for losses and the monthly consumption of the electricity from the Discom by the consumer is 1500 units out of which excess units consumed in peak hours are 200 units then the energy consumed during off peak hours in that particular month shall be $(1000 - (1500 - 200)) = -300$ units. In this case the above excess drawn 300 units will be adjusted against previously banked 414 units and balance 114 units will be carried forward to the next month. The Discom will raise the bill for excess 200 units consumed during the peak hours as per the applicable tariff.

- iv. Unutilized banked energy at the end of financial year shall lapse and the renewable energy captive generating plant shall be entitled to get Renewable Energy Certificates to the extent of the lapsed banked energy in accordance with rules/regulations framed by the MoP/CERC.
- v. Banking charges at the rate of 8% of banked energy would be payable in kind and shall be adjusted against the banked energy before withdrawal, or any such other rate or in monetary terms or their combination thereof, as may be specified by the Commission through a separate order.

Illustration: If 100 Units of energy have been banked at the consumption end after accounting for losses, the Captive consumer will be able to draw 92 units of banked energy and 8 units will be deducted as banking charges.

12. Curtailment Priority

In case due to transmission/distribution system constraints or otherwise, it is necessary to curtail the service of GEOA consumer, the following priority shall be followed.

- a. The short-term open access consumer (other than GEOA consumer) shall be curtailed first followed by short-term GEOA consumers.
- b. Next, medium-term OA consumer (other than GEOA consumer) followed by medium-term GEOA consumer shall be curtailed.
- c. Next long-term OA consumer (other than GEOA consumer) followed by long-term GEOA consumer shall be curtailed.

Provided that within a category, the GEOA consumers shall have equal curtailment priority and shall be curtailed on pro-rata basis.

Provided further that distribution licensees shall be curtailed as last resort.

13. Metering

- i. Green Energy Open Access consumer shall have to install ABT compliant Special Energy Meters (SMEs) or such other meters, capable of energy accounting for each block of 15 minutes, at the generator end, interface points, consumption place which shall conform to the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, as amended from time to time.
- ii. The metering point as well as the interconnection point for grid connectivity shall be the nearest transmission/distribution licensee sub-station.
- iii. Above Meters shall always be maintained in good condition and shall be open for inspection by any person authorized by the State Transmission Utility, Distribution Licensee or the State Load Despatch Centre.
- iv. All the Green Energy Open Access consumers shall abide by the metering standards of CEA.

14. Reactive Energy Charges

In respect of green energy generator, the payment for the Reactive Energy charges shall be in accordance with orders passed by the Commission from time to time.

15. Energy losses

Energy losses of the transmission and distribution system shall be applicable to the GEOA consumers as specified by the Commission from time to time.

16. Compliance of Grid Code/Supply Code

GEOA consumers shall abide by the State Grid Code, Supply Code and all other Codes and Standards, DSM Regulations as applicable from time to time.

17. Collection and Disbursement of charges

- i. The charges in respect of GEOA consumers shall be payable directly to the State Nodal Agency in accordance with the terms and conditions of payment as specified by the State Nodal agency.
- ii. SNA shall disburse the amount received to the appropriate licensees (Transmission charges to transmission licensee and distribution network charge to the appropriate distribution licensee).
- iii. Other GEOA charges, in case of more than one licensee is supplying in the same area, the licensee from whom the consumer was availing supply shall be paid the amounts so collected.

18. Information System:

- i. SLDC shall post the following information in a separate web page titled "Green Energy Open Access Information" and also issue a monthly and annual report containing such information;

- a. A status report on long -term/medium-term/short term consumers
 - b. Floor rate for bidding in case of congestion
 - c. Peak load flows on EHV and HV lines
 - d. Information regarding average loss in the transmission system and distribution system as determined by the licensee/s on a monthly basis.
- ii. The information shall be updated upon every change in status.
 - iii. All previous report shall be available in the web-archives.
 - iv. The SLDC shall post the above information on its website within one month from the date of notification of these Regulations.

19. Reports

The State Nodal Agency shall publish report on monthly basis on its official website, consisting the information in following format:

SL No.	Name and address of the GEOA/wheeling consumer	Point of Injection	Point of drawl	Capacity allowed (MW)	Period of open access allowed	Actual annual utilization of energy in MU

20. Communication facility

Green Energy Open Access consumer shall have the requisite communication systems in place to facilitate seamless communication of data/orders/

information to/from the generator place to State Nodal Agency (SLDC) and from consumer place to distribution licensees on real time basis.

21. Green Energy Tariff

- i. 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;
- ii. The consumer may purchase on a voluntary basis, more renewable energy, than he is obligated to do and for ease of implementation, this may be in steps of Twenty-five per cent and going up to Hundred per cent;
- iii. The tariff for the green energy shall be determined separately by the Commission through a separate order, considering various cost components of the Distribution Licensee;
- iv. Any requisition for green energy from a distribution licensee shall be for a minimum period of one year;
- v. The quantum of green energy shall be pre-specified for at least one year;
- vi. 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;
- vii. The Accounting of renewable energy supplied at distribution licensee level shall be on a monthly basis.

22. Green certificate

The distribution licensee shall give green certificate on yearly basis to the consumers for the green energy supplied by the licensee to consumer on his request beyond the renewable purchase obligation of the consumers.

23. Rating

The Commission may introduce the concept of rating of the consumer of the distribution licensee, based on the percent of green energy purchased by such consumer.

24. Dispute Resolution:

- (i) No application for open access shall be denied unless the applicant has been given an opportunity of being heard in the matter.
- (ii) All disputes and complaints relating to GEOA shall be made to the SLDC, which may investigate and endeavor to resolve the grievance.
- (iii) If the SLDC is unable to redress the grievance, the same shall be referred to the State Power Committee constituted under the State Grid Code which shall endeavor to resolve the grievance within 30 days and
- (iv) Where State Power Committee is unable to resolve the grievance, it shall be referred to the Commission and Commission decision in this regard shall be final and binding.

25. Issue of orders and practice directions

Subject to the provision of the Electricity Act, 2003 and these Regulations, the Commission may from time to time, issue orders and practice directions with regard to the implementation of the Regulations and procedures to be followed.

26. Power to remove difficulties:

In case of any difficulty in giving effect to any of the provisions of these Regulations, the Commission may by general or special order, direct the GEOA consumers, generators and the licensees to take suitable action, not being inconsistent with the provisions of Electricity Act, 2003, which appears to the Commission to be necessary or expedient for the purpose of removing the difficulty.

The GEOA consumers/licensees may make an application to the Commission and seek suitable orders to remove any difficulties that may arise in implementation of these Regulations.

27. Power to amend:

The Commission may from time to time add, vary, alter, modify or amend any provisions of these Regulations after following the necessary procedures.

28. Power to Relax:

The Commission may by general or special order, for reasons to be recorded in writing, and after giving an opportunity of hearing to the parties likely to be affected, may relax any of the provisions of these Regulations suo-motu or on an application made before it by an interested person.

29. Interpretation:

The decision of the Commission regarding the interpretation of these Regulations shall be final and binding.

30. Saving clauses:

The provisions of the RERC (Terms and Conditions for Tariff determination from Renewable Energy Sources) Regulations 2020 and RERC (Open Access) Regulations, 2016 which are not inconsistent with provisions under these Regulations or not covered under these Regulations shall be also applicable *mutatis mutandis* as part of these Regulations.

By Order

Secretary

Rajasthan Electricity Regulatory Commission

RAJASTHAN ELECTRICITY REGULATORY COMMISSION, JAIPUR

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

Explanatory Memorandum

1. The Government of India has set a target of non-fossil energy capacity of 500 GW by 2030, out of which 280 GW is expected to be the share of solar power. India has a target of 5 million ton a year of green hydrogen capacity by 2030. By the year 2070, India has a target to achieve Net Zero Carbon Emissions, i.e., Carbon Neutral.
2. In order to achieve aforesaid goal, Ministry of Power, Government of India, has notified, on 06.06.2022, the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 (hereinafter referred to as "Green Energy Open Access Rules, 2022") applicable on generation, purchase and consumption of green energy as defined therein including waste-to-energy power plants.
3. The Ministry of Power, Government of India, has notified Electricity (Promoting Renewable Energy Through Green Energy Open Access) Amendment Rules, 2023 and Electricity (Promoting Renewable Energy Through Green Energy Open Access) (Second Amendment) Rules, 2023 on 27.01.2023 and 23.05.2023 respectively, by way of which certain recommendations of the FoR were taken into consideration to align the Green Energy Open Access Rules, 2022 with the Electricity Act 2003 and National Tariff Policy 2016. Collectively Green Energy Open Access Rules, 2022, along with First and Second amendment thereto would hereinafter be referred to as Rules. Salient features of the Rules are as below:
 - a. It aims to promote the generation, purchase, and consumption of green energy, including energy from Waste-to-Energy plants.
 - b. It allows Open Access to any consumer and the limit of Open Access Transaction has been reduced from 1 MW to 100 kW capacity for green energy, to enable even small consumers to purchase renewable

power through open access. However, in case of captive consumers there shall not be any load limitation.

- c. Consumers shall become eligible to demand supply of Green Power from Discoms. Discoms would be obligated to procure and supply green power to eligible consumers.
 - d. These Rules streamline the overall approval process for granting Open Access by way of time bound processing, bringing uniformity and transparency in the application as well as approval of open access through a national portal.
 - e. Commercial and Industrial consumers are allowed to purchase green power on voluntarily basis.
 - f. It provides certainty on open access charges to be levied on Green Energy Open Access Consumers.
 - g. Banking has been permitted at least on monthly basis with quantum of banked energy by green energy open access consumers to be atleast thirty percent of the total monthly consumption.
 - h. It provides for issuance of Green Certificates to consumers consuming green power and introduced concept of Rooftop.
4. As per Section 86 (1) (e) of the Electricity Act. 2003 ('EA 2003' or "the Act"), the State Electricity Regulatory Commissions (SERCS or 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. In order to promote generation from Renewable Energy (RE) sources in the State of Rajasthan, the Commission has notified the RERC (Terms and Conditions for Tariff Determination from Renewable Energy Sources) Regulations, 2020, the RERC (Renewable Purchase Obligation) Regulations, 2023, the RERC (Grid Interactive distributed Renewable Energy Generating Systems) Regulations, 2021 and RERC (Forecasting, Scheduling, Deviation Settlement and Related Matters of Solar and Wind Generation Sources) Regulations, 2017. The Commission also notified the RERC (Terms and Conditions for Open Access) Regulations. 2016.

5. Although Commission has incorporated most of the provisions of these Rules in the existing RE Tariff Regulations, 2020 through suitable amendments, however, there are no separate Regulations especially for the Green Energy Open Access. Therefore, issuance of separate Regulations is desirable in order to consolidate the relevant provisions at one place and it will also be in the interest of all stakeholders. Some other states like Gujarat, Karnataka, Uttrakhand etc, have already issued separate Regulations for Green Energy Open Access and MoP, Gol is also stressing for issue of separate Green Energy Open Access Regulations.
6. Accordingly, the draft Rajasthan Electricity Regulatory Commission (Terms and Conditions for Green Energy Open Access) Regulations, 2024 have been prepared.
7. The comments/ suggestions are invited from all the stakeholders under sub-section (3) of section 181 of the Electricity Act 2003 read with Rule 3 of the Electricity (Procedure for Previous Publication) Rules, 2005 on the draft Regulations before finalizing the Regulations.
