



सरकारी गजट, उत्तराखण्ड

उत्तराखण्ड सरकार द्वारा प्रकाशित

रुड़की, शनिवार, दिनांक 04 नवम्बर, 2023 ई0 (कार्तिक 13, 1945 शक सम्वत्)

भाग 1-क

नियम, कार्य-विधियां, आज़ाएं, विज्ञप्तियां इत्यादि जिनको उत्तराखण्ड के राज्यपाल महोदय, विभिन्न विभागों के अध्यक्ष तथा राजस्व परिषद् ने जारी किया

UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

NOTIFICATION

18th October, 2023

Uttarakhand Electricity Regulatory Commission (Green Energy Open Access) Regulations, 2023

No. F-9 (35)/RG/UERC/2023/779 - In exercise of the powers conferred by Section 181, read with section 39, 40, 42 and 86 of the Electricity Act, 2003 (36 of 2003), and all other powers enabling it in this behalf, the Uttarakhand Electricity Regulatory Commission hereby proposes to make the following Regulations, namely:

1. Short Title, Commencement and Interpretation:

- (1) These Regulations shall be called Uttarakhand Electricity Regulatory Commission (Green Energy Open Access) Regulations, 2023.
- (2) These Regulations shall come into force from the date of their publication in the Government Gazette.

2. Definitions and Interpretation:

1. In these regulations, unless the context otherwise, requires:
 - (a) "Act" means the Electricity Act, 2003 (36 of 2003);
 - (b) "Banking" means the surplus green energy injected in the grid and credited with the distribution licensee by the Green Energy Open Access consumer and that shall be drawn by such consumer along with charges to compensate additional costs if any;
 - (c) "Billing Cycle" means the period as approved by the Commission for which regular electricity bills are to be prepared by the Licensee for different categories of consumers;
 - (d) "Central Nodal Agency" means the nodal agency as specified by the Central Government as per the rules;
 - (e) "CERC" means the Central Electricity Regulatory Commission;
 - (f) "Commission" means the Uttarakhand Electricity Regulatory Commission;
 - (g) "Day Ahead Market (DAM)" means a market where Day Ahead Contracts are transacted on the Power Exchange(s);
 - (h) "DSM Regulations" means the UERC (Deviation Settlement Mechanism & Related Matters) Regulations, 2017 and any subsequent amendments thereafter;
 - (i) "Forum of Regulators (FOR)" means the forum as referred to in sub-section (2) of section 166 of the Act;
 - (j) "Fossil Fuel" means fuels such as coal, lignite, gas, liquid fuel or a combination of these as its primary source of energy, which are used in thermal generating stations for generating electricity;
 - (k) "GOAR Portal" means the Green Open Access Registry Portal, which is a single window portal to register and apply for the Green Energy Open Access;
 - (l) "Green energy" means the electrical energy from renewable sources of energy including hydro and storage (if the storage uses renewable energy) energy from non-fossil fuel-based Waste-to-Energy plant or any other technology as may be notified by the Central Government from time to time

and shall also include any mechanism that utilizes green energy to replace fossil fuels including production of green hydrogen or green ammonia as may be determined by the Central Government;

- (m) "Green Energy Open Access customer (in short "customer")" means a consumer, trader, distribution licensee or a generating company who has been granted Green Energy Open Access under these regulations;
- (n) "IEGC" means the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2023 and any subsequent amendments thereafter;
- (o) "Non-Peak Hours" means hours other than Peak hours as may be decided by the Commission from time to time.
- (p) "Rules" means the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 and any subsequent amendments thereafter;
- (q) "Standby Charges" means the charges applicable to green energy open-access customer against the standby arrangement provided by the distribution licensee, in case such green energy open access customer 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) "State Grid Code" means the Uttarakhand Electricity Regulatory Commission (State Grid Code) Regulations, 2016 and any subsequent amendments thereafter;
- (s) "Supply Code" means the Uttarakhand Electricity Regulatory Commission (The Electricity Supply Code, Release of New Connection & Related Matters) Regulations, 2020 and any subsequent amendments thereafter;
- (t) "Time Block" means a time block of 15 minutes for which specified electrical parameters and quantities are recorded by special energy meter, with first time block starting at 00.00 hrs;

Words and expressions used in these regulations and not defined, but defined in the Act or the other Regulations issued by the Commission shall have the same

meaning assigned to them respectively in the Act or such Regulations issued by the Commission.

3. Scope:

These Regulations shall be applicable for allowing connectivity and open access to green energy open access customers for use of Intra-state transmission system (IaSTS) or Distribution system or both including when such system is used in conjunction with inter-State transmission system.

Provided that a generating station, including a captive generating plant, or a consumer shall not be eligible to apply for long-term or medium-term or short-term open access unless he has the connectivity or he applies for connectivity to the intra-State transmission or distribution system as the case may be.

Provided further that a person may apply for connectivity as well as long term or medium term or short-term open access simultaneously.

Provided also that other conditions of grant of connectivity and open access in respect of green energy generation, purchase and consumption, to which no express provision has been made in these regulations, shall be in accordance with the provisions of Uttarakhand Electricity Regulatory Commission (Terms and Conditions of Intra-State Open Access) Regulations, 2015, UERC (Tariff and Other Terms for Supply of Electricity from Renewable Energy Sources and non-fossil fuel based Co-generating Stations) Regulations, 2018 and Uttarakhand Electricity Regulatory Commission (Deviation Settlement Mechanism and Related Matters) Regulations, 2017, and any subsequent amendments thereafter.

4. Eligibility criteria for Green Energy Open Access:

The consumer who has contracted demand or sanctioned load of 100 kW or more, either through a single connection or through multiple connections in the name of same consumer aggregating 100 kW or more located in the same electricity division of a distribution licensee, shall be eligible to take power through Green Energy Open Access and there shall be no limit for other customers including Captive consumers, RE generators etc., drawing/supplying power under Green Energy Open Access.

Provided that the customer shall compulsorily maintain the approved capacity/schedule for atleast 12 time blocks in a day.

Provided further that any deviation from approved capacity/schedule shall be subject to charges as per UERC DSM Regulations.

5. Nodal Agency:

State Load Despatch Centre (SLDC) Uttarakhand shall be the Nodal Agency for grant of Green Energy Open Access for short-term (upto one month) and the State Transmission Utility (STU) shall be the Nodal Agency for grant of Green Energy Open Access for Medium-term (a period exceeding three months but not exceeding three years) and long-term (a period exceeding 12 years but not exceeding 25 years).

6. Procedure for grant of Green Energy Open Access:

- (1) A detailed procedure for the grant of connectivity for Green Energy Open Access including the application format and applicable Bank Guarantees/Fee/Charges etc. shall be prepared by the Nodal agency within a period of 30 days from the date of notification of these regulations and submit the same to the Commission for approval.
- (2) All the applications for registration of the Green Energy Open Access complete in all respects, shall be submitted on the portal setup by the Central Nodal Agency and these applications shall get routed to SLDC.
- (3) SLDC shall process and recommend the applications for registration of the Green Energy Open Access within 5 working days for new applications and within 2 working days for renewal of registration through the GOAR Portal.

Provided that after the receipt of the application for registration, SLDC, shall conduct a preliminary scrutiny to ensure application is complete in all respects. In case of any discrepancy/shortcoming/ requirement of any further information, SLDC shall intimate the applicant through the portal for rectification of the deficiency within a period of 2 working days. In case the applicant does not respond within a period of 2 working days with the required details to SLDC, the registration request shall be disposed of.

- (4) An application for availing Green Energy Open Access can be made through the GOAR portal only by the registered customers.

- (5) The concerned Nodal Agency shall approve the application for availing Green Energy Open Access of the registered customers within a period of 15 working days from the date of application, failing which it shall be deemed to have been approved.

Provided that the order of processing of such applications for Green Energy Open Access shall be first in first out.

- (6) Short-term and Medium-term open access shall be allowed if there is sufficient spare capacity available in the transmission system without any augmentation whereas for Long-term open access, the transmission system may be augmented if required.

Provided that priority shall be given to long-term access in the existing system if spare capacity is available and further, open access for non-fossil fuel sources shall be given priority over the open access from the fossil fuel.

- (7) No application for open access shall be denied unless the applicant has been given an opportunity of being heard in the matter by the Nodal Agency and all orders denying open access shall be speaking orders.
- (8) Appeals against an order of the Nodal Agency, shall lie before the Commission, within a period of thirty days from the date of receipt of an order under sub-Regulation (7) above.
- (9) The Commission shall dispose of the appeal within a period of three months and the order issued by it shall be binding on the parties.

7. Metering:

Green Energy Open Access customers shall comply with the metering requirements laid down in the CEA (Installation and Operation of Meters) Regulations, 2006 as amended from time to time and also included in State Metering Communication & Data Acquisition Requirements (MCDAR) specified under State Grid Code.

8. Green Energy Open Access Charges:

- (1) The charges to be levied on Green Energy Open Access customers shall be as follows:
- a) Transmission charges;

- b) Wheeling charges;
- c) Cross subsidy Surcharge;
- d) Standby charges wherever applicable;
- e) Banking charges; and
- f) Application fees/SLDC fees/Charges, scheduling charges, deviation settlement charges and reactive energy charges.

The methodology for calculation of Transmission, Wheeling and Cross subsidy Surcharge charges shall be as specified in the Uttarakhand Electricity Regulatory Commission (Terms & Conditions of Intra-State Open Access) Regulations, 2015 as amended from time to time.

Further, Scheduling and Deviation Mechanism shall be governed by State Grid Code and DSM Regulations as amended from time to time.

Provided that the cross-subsidy surcharge for Green Energy Open Access Consumers purchasing green energy, from a generating plant using renewable energy sources, shall not be increased, during twelve years from the date of operating of the 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 further that such cross subsidy surcharge shall not be levied in case distribution access is provided to a person who has been availing green power from the plant established as a captive generation plant for his own use.

Provided also that no additional surcharge shall be applicable on embedded consumers of distribution licensee who opt for Green Energy Open Access.

Provided also 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 the Open Access 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.

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

Provided also that levy of Open Access Charges shall be governed by the relevant provisions of the Act and the Policies issued by Central/State Government from time to time.

- (2) The "Standby Charges" shall be as specified in the Uttarakhand Electricity Regulatory Commission (Terms & Conditions of Intra-State Open Access) Regulations, 2015 as amended from time to time and such charges shall not be applicable if the Green Energy Open Access Customer has given notice in writing, in advance at least a day in advance before closure time of the Day Ahead Market on 'D-1' day; 'D' being the day of delivery of power for standby arrangement to the distribution licensee.
- (3) **Reactive Energy Charges:** The Green Energy Open Access customer shall pay for the reactive energy in accordance with provisions of the State Grid Code notified by the Commission.
- (4) **Collection of Charges:** The Charges in respect of Green Energy Open Access customers shall be payable directly to the Nodal Agency and Distribution licensee in accordance with the terms and conditions of payment specified by the Nodal Agency.

9. Banking Facility and Charges:

- (1) Banking facility shall be provided to the consumer availing Green Energy Open Access. The surplus energy from a Green Energy generating station after setoff shall be banked with the Distribution Licensee.
- (2) The banking facility including injection of surplus energy and drawal of banked energy shall be subject to scheduling.
- (3) The Banking Charges shall be adjusted in kind @ 8% of the energy banked.
- (4) The permitted quantum of banked energy by Green Energy Open Access consumer shall be atleast 30% of its total monthly consumption of electricity from the Distribution Licensee.

- (5) The Banking of energy shall be permitted only for the billing cycle:

Provided that the credit for banked energy shall not be permitted to be carried forward to subsequent billing cycles and the credit for energy banked shall be adjusted during the same billing cycle.

Provided further that, the energy banked during peak hours (TOD slots) shall be permitted to be drawn during peak as well as non-peak hours (TOD slots) by paying banking charges as specified in sub-Regulation (3) above.

Provided also that, the energy banked during non-peak hours (TOD slots) shall be permitted to be drawn during non-peak hours (TOD slots) by only paying the banking charges and from non-peak hours (TOD slot) to peak hours (TOD slot) by paying charges in kind @ equivalent to % of difference between the Peak hours energy charge rate and Normal hours energy charge rate (as defined in the respective Tariff Orders issued by the Commission) of the energy banked in addition to the above banking charges as specified in sub-Regulation (3) above.

- (6) The un-utilized surplus banked energy shall be considered as lapsed at the end of each billing cycle. However, the RE Generating Station would be entitled to Renewable Energy Certificates to that extent.
- (7) The Distribution licensee shall prepare a detailed procedure for banking along with model banking agreement within a period of 30 days of the notification of these regulations. The energy accounts of all banking transactions shall be maintained by Distribution Licensee and shall be submitted to SLDC on weekly basis.

10. Energy Losses:

Energy losses of the transmission and distribution system shall be applicable to the Green Energy Open Access customers as specified by the Commission from time to time.

11. Compliance with State Grid Code/Supply Code:

Green Energy Open Access customers shall abide by the State Grid Code, Supply Code and all other Codes and Standards, DSM Regulations as applicable from time to time.

12. Curtailment Priority:

In case due to constraints in the transmission system or distribution system, the curtailment priority shall be as follows:

- (a) Short-term open-access customers other than Green Energy Open Access customers shall be curtailed first followed by Green Energy Open Access customers.
- (b) Next, Medium-term open-access customers other than Green Energy Open Access customers shall be curtailed first followed by Green Energy Open Access customers.
- (c) Next, Long-term open-access customers other than Green Energy Open Access customers shall be curtailed first followed by Green Energy Open Access customers.

Provided that within a category, the Green Energy Open Access 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. 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 on its own motion or on an application made before it by an interested person.

14. Power to amend:

The Commission may from time to time add, vary, alter, suspend, modify, amend, or repeal any provisions of these Regulations.

15. Power to remove difficulties:

If any difficulty arises in giving effect to the provisions of these Regulations, the Commission may, by an order, make such provisions, not inconsistent to the provisions of the Act and these Regulations, as may appear to be necessary for removing the difficulty.

By Order of the Commission,
NEERAJ SATI,
Secretary,
Uttarakhand Electricity Regulatory Commission.