

# JOINT ELECTRICITY REGULATORY COMMISSION FOR THE STATE OF GOA AND UNION TERRITORIES

## STATEMENT OF REASONS

For

**JERC (Connectivity and Open Access in Intra-State Transmission  
and Distribution) (First Amendment) Regulations, 2020**



**November 2020**

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## **STATEMENT OF REASONS**

**Dated: 25<sup>th</sup> November, 2020**

### **1 Introduction**

- 1.1 The enactment of the Electricity Act, 2003 (“the Act” or “the EA 2003”) in June 2003 has radically changed the legal and regulatory framework applicable to the renewable energy sector in India, as it has specific provisions for promotion of renewable energy technologies. The Act provides for policy formulation by the Government of India and mandates Electricity Regulatory Commissions (ERCs) to take steps to promote renewable sources of energy within their area of jurisdiction.
- 1.2 The Joint Electricity Regulatory Commission (‘JERC’ or ‘the Commission’) has been taking appropriate steps for promoting energy generation from renewable energy technologies.
- 1.3 In the past, the Commission has notified several Regulations and Amendments which are directly or indirectly promoting energy generation from Renewable Energy technologies. Some of these Regulations are as mentioned below:
  - JERC Procurement of Renewable Energy Regulations 2010 including three amendments
  - JERC (Solar Power -Grid Connected Ground Mounted and Solar Rooftop and Metering) Regulations, 2015
  - JERC (Terms and Conditions for Tariff Determination from Renewable Energy Sources) Regulations, 2019
  - JERC (Solar PV Grid Interactive System based on Net Metering) Regulations, 2019
- 1.4 In pursuance of the Electricity Act, 2003, which envisaged Open Access, the Joint Electricity Regulatory Commission issued its Open Access in Transmission and Distribution Regulations 2009, which were followed by new Regulations in 2010. Subsequently JERC (Connectivity and Open Access in Intra-State Transmission and Distribution) Regulations, 2017 were notified in March 2018 repealing the earlier Regulations in the matter.
- 1.5 The Commission proposed to amend the JERC (Connectivity and Open Access in Intra-State Transmission and Distribution) Regulations, 2017 in order to provide additional promotional measure of banking of Renewable

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Energy to promote the Renewable Energy in the State/UTs which comes under the jurisdiction of JERC.

- 1.6 The Commission in exercise of powers conferred under Sections 86 (3) and 181 of the Electricity Act, 2003 (No. 36 of 2003), and all other provisions enabling it in this behalf, framed the following Draft Regulations:
- 1.7 “Joint Electricity Regulatory Commission for the State of Goa and Union Territories (Connectivity and Open Access in Intra-State Transmission and Distribution) (First Amendment) Regulations, 2020.”
- 1.8 These Draft Regulations along with the Explanatory Memorandum and Public Notice were placed on the website of the Commission for inviting public comments. Comments from the stakeholders were also invited through Public Notice published in the following newspapers, on the date indicated against each:
- 1.9 The last date for submission of comments/suggestions by the stakeholders/public was 19.10.2020. The list of 3 numbers of stakeholders who offered their comments/suggestions on the Draft Regulations and Explanatory Memorandum, which have been considered by the Commission while finalising the Regulations are as follows:
  1. Amplus Energy Solutions Private Limited (AESPL)
  2. Captive Power Producers Association (CPPA)
  3. Electricity Department, Government of Puducherry (PED)
- 1.10 The main comments and views expressed by the stakeholders through their written submissions and the Commission’s views thereon have been summarized in the following paragraphs. It may be noted that all the suggestions given by the stakeholders have been considered, and the Commission has attempted to elaborate all the suggestions as well as the Commission’s decisions on each suggestion in the Statement of Reasons. However, in case any suggestion is not specifically elaborated, it does not mean that the same has not been considered. Further, Syntax/phrase/addition of word(s)/rewording related changes have been suitably incorporated, wherever necessary.

**A. Definitions**

## **2 Connection Agreement**

### **Existing Open Access Regulations, 2017**

No such definition is available in Parent Regulations

### **Commission's Proposal in Draft Open Access (First Amendment) Regulations, 2020**

*"2 (1) (i.1) Connection Agreement" means the agreement to be entered into on approval of grant of Connectivity between a Distribution Licensee and Generating Station or a Captive Generating Plant or a Consumer, as the case may be;"*

### **Stakeholders' Comments/Suggestions:**

- 2.1 Amplus Energy Solution Private Limited (AESPL) suggested to add phrase 'Transmission Licensee' after "between a Distribution Licensee" in provision 2 1 i.1) of draft amendment to maintain consistency with existing Open Access Regulations.

### **Analysis & Commission Decision:**

- 2.2 The Commission accepts the suggestion from the stakeholder that "Transmission Licensee" should be added after "between a distribution licensee" to maintain the consistency with existing clause 1.2 (6) of Open Access Regulations, 2017, which is reproduced below:

*Clause 1.2 (6) of OA Regulations 2017: "The Applicant shall sign a "Connection Agreement" with the State Transmission Utility or Intra-State Transmission Licensee owning the sub-station or pooling station or switchyard or the transmission line as identified by the STU where Connectivity is being granted:"*

- 2.3 Further the Commission also clarifies that the Connection Agreement to be signed between a Transmission Utility and the eligible consumer shall be issued by the respective State Transmission Utility

### **Provision in Final Open Access (First Amendment) Regulations, 2020**

*"2 (1) (i.1) Connection Agreement" means the agreement to be entered into on approval of grant of Connectivity between a Distribution Licensee/Transmission Licensee and Generating Station or a Captive Generating Plant or a Consumer, as the case may be;"*

### **3 Contract**

#### **Existing Open Access Regulations, 2017**

No such definition is available in Parent Regulations

#### **Commission's Proposal in Draft Open Access (First Amendment) Regulations, 2020**

No such definition is provided in Draft Regulations

#### **Stakeholders' Comments/Suggestions:**

- 3.1 Amplus Energy Solution Private Limited (AESPL) requested the Commission to add the definition of "Contract" in the draft Regulations.

#### **Analysis & Commission Decision:**

- 3.2 As regards the suggestion of stakeholder on adding the definition of "contract", the Commission is of the view that the definition of Contract shall be governed by "**The Indian Contract Act, 1872**".
- 3.3 Contract, in the simplest definition is a promise enforceable by law, terms & conditions for any contract can vary from case to case. There is no specific definition that suited to all the cases or for all type of contracts.
- 3.4 The Commission further clarifies that the Contract is not even defined in any other SERC Regulations or in the Act.

#### **Provision in Final Open Access (First Amendment) Regulations, 2020**

No change is required in draft Regulations.

### **B. General conditions for Open Access**

#### **4 OA capacity beyond its Contract Demand**

#### **Existing Open Access Regulations, 2017**

In clause 2.1 (1) of the Regulations, the Commission has not capped the open access capacity at the Contract Demand of a Consumer but have set the minimum limit of 1 MVA.

*"2.1 (1) Open Access shall be allowed to all Consumers where the maximum power to be made available at any time exceeds the threshold level of 1 MVA subject to the satisfaction of the conditions contained in these Regulations:*

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*Provided that the Commission may allow Open Access to Consumers seeking Open Access for capacity less than 1 MVA through a separate Order at such time as it may consider feasible having regard to operational constraints and other factors.”*

**Commission’s Proposal in Draft Open Access (First Amendment) Regulations, 2020**

No such clause is provided in Draft Regulations

**Stakeholders’ Comments/Suggestions:**

- 4.1 Amplus Energy Solution Private Limited (AESPL) submitted that solar power projects operate at lower CUF (16% to 19%) and generate lower energy due to its intermittent nature. Therefore, to meet the needs of energy requirement a Consumer would set up a larger project than its sanctioned Contract Demand while limiting its drawl (MWh) to its Contract Demand as existing transmission system were designed considering the Contract Demand of the Consumer. In case of Excess energy generation if any, shall be banked with the DISCOM and drawn by the Consumer later payment of applicable Banking Charges.
- 4.2 Therefore, Amplus has requested to the Commission to clarify that Open Access Consumer can apply for Open Access capacity beyond its Contract Demand or not.

**Analysis & Commission Decision:**

- 4.3 The Commission is of the view that an Open Access consumer can only apply for Open Access for capacity maximum upto its Contract Demand. This will not only help the distribution / transmission licensee to carryout effective network planning but will also help in maintaining grid discipline. In case the Open Access is allowed for the capacity beyond the Contract Demand, it will adversely affect the grid.
- 4.4 Further, Regulation 5.2 1 (b) of JERC (Connectivity and Open Access in Intra-State Transmission and Distribution) Regulations, 2017, clearly provides for the treatment of the over / under drawal by a partial open access consumer of a distribution Licensee.

**Provision in Final Open Access (First Amendment) Regulations, 2020**

No change is required in draft regulations.

**C. Terms & Conditions for Banking of Energy**

**5 Applicability of Regulations**

**Existing Open Access Regulations, 2017**

No such clause is available in Parent Regulations

**Commission's Proposal in Draft Open Access (First Amendment) Regulations, 2020**

*"7A.1 1 The Distribution Licensee shall allow the arrangement of Banking of Energy to all the Captive Renewable Energy based Generating Stations and Renewable Energy based Generating Stations supplying power to Third Party Consumer through Open Access in State/Union Territory, who intend to avail such facility, in its area of supply on non-discriminatory basis in accordance with the guidelines issued by the Distribution Licensee:*

*Provided that these Regulations shall not be applicable for the plants covered under Joint Electricity Regulatory Commission (Solar PV Grid Interactive System based on Net Metering) Regulations, 2019."*

**Stakeholders' Comments/Suggestions:**

- 5.1 Puducherry Electricity Department (PED) submitted that according to proviso of Regulation 7A.1 1 of the draft Regulations, these Regulations will not be applicable to the plants covered under JERC (Solar PV Net Metering) Regulations 2019. Clarity is required on applicability of the banking of energy option for new business models for RE consumers which will be based on JERC (Solar PV Grid Interactive System based on Net Metering) Regulations 2019.

**Analysis & Commission Decision:**

- 5.2 Regulation 7A.1 1 of the draft JERC (Connectivity and open Access in Intra-State Transmission and Distribution) (First Amendment) Regulations, 2020 provides as follows:
- 5.3 *"7A.1 1 The Distribution Licensee shall allow the arrangement of Banking of Energy to all the Captive Renewable Energy based Generating Stations and Renewable Energy based Generating Stations supplying power to Third Party Consumer through Open Access in State/Union Territory, who intend to avail such facility, in its area of supply on non-discriminatory basis in accordance with the guidelines issued by the Distribution Licensee:*
- 5.4 ***Provided that these Regulations shall not be applicable for the plants covered under Joint Electricity Regulatory Commission (Solar PV Grid***

***Interactive System based on Net Metering) Regulations, 2019.”  
(Emphasis Added)***

- 5.5 From above, it is clear these Regulations shall not be applicable to any plants developed under any business model (New or existing) governed by the JERC Solar PV Net-Metering Regulations 2019. The provisions of Net Metering Regulations, 2019 are quite comprehensive and no separate banking facility needs to be provided for plants covered under Net Metering Regulations, 2019.

**Provision in Final Open Access (First Amendment) Regulations, 2020**

No change is required in draft regulations.

**6 Banking of Energy – Technical Feasibility**

**Existing Open Access Regulations, 2017**

No such clause is available in Parent Regulations

**Commission’s Proposal in Draft Open Access (First Amendment) Regulations, 2020**

*“7A.1 2 Banking of Energy upto 20% of the total energy generated by Renewable Energy Generating Station on monthly basis shall be allowed subject to technical feasibility regarding evacuation:*

*Provided that withdrawal of banked energy shall be allowed only during the same financial year in which the energy has been banked.*

**Stakeholders’ Comments/Suggestions:**

- 6.1 Amplus Energy Solution Private Limited (AESPL) requested the Commission to remove the phrase “*subject to technical feasibility regarding evacuation*” from the clause 7A.1 2 of the draft Regulations.
- 6.2 In justification AESPL submitted that the Technical feasibility of evacuation is assessed by the Utility at the time of connectivity approval. Thus, Banking of Energy should not be subjected to technical feasibility during evacuation.

**Analysis & Commission Decision:**

- 6.3 The Commission agrees with the suggestion of the stakeholder that the technical feasibility of evacuation is assessed by the Utility at the time of granting approval for connectivity. Hence, the Commission has decided to remove the phrase “*subject to technical feasibility regarding evacuation*” from the clause 7A.1 2 of the draft Regulations.

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*“7A.1 2 Banking of Energy upto 20% of the total energy generated by Renewable Energy Generating Station on monthly basis shall be allowed:*

*Provided that withdrawal of banked energy shall be allowed only during the same financial year in which the energy has been banked.*

**7 Capping of 20% on Banking of Energy**

**Existing Open Access Regulations, 2017**

No such clause is available in Parent Regulations

**Commission’s Proposal in Draft Open Access (First Amendment) Regulations, 2020**

*“7A.1 2 Banking of Energy upto 20% of the total energy generated by Renewable Energy Generating Station on monthly basis shall be allowed subject to technical feasibility regarding evacuation:*

*Provided that withdrawal of banked energy shall be allowed only during the same financial year in which the energy has been banked.*

**Stakeholders’ Comments/Suggestions:**

- 7.1 Captive Power Producers Association submitted that there should not be any restriction on banking of energy, hence the 20% cap should be removed. In justification CPPA submitted that the stand-alone renewable energy (especially solar and wind) generation is not schedulable; it is solely based on factors attributable to nature. Hence, naturally, it is inevitable to use the electricity grid as a bank when one tends to increase its renewable energy consumption. The proposed clause deprives the developer of energy banking, which is a key supporting mechanism required in RE’s natural ecosystem. Restricting the banking at 20% of the total energy generated will restrict the capacities which can be set up by any consumer, particularly considering the CUF of Solar /Wind energy plant is very low around 25%-30%.

**Analysis & Commission Decision:**

- 7.2 In the present Draft Regulations, the Commission has proposed to allow Banking of Energy to all the Renewable Energy based Captive Generating Stations and Renewable Energy based Generating Stations supplying power to Third Party Consumer through Open Access in State/Union Territory.
- 7.3 Further, it is noted that the banking facility poses challenges in power purchase planning and effective distribution grid management. In order to minimize the impact of these issues, it is intended that the backing facility is to

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be provided to consumers with some limits. In such case, it is envisaged that use of distribution system for intermittent generation shall be kept minimum. Hence, the Commission has retained the provision that the Banking of Energy upto 20% of the total energy generated by Renewable Energy Generating Station on monthly basis shall be allowed and withdrawal of banked energy shall be allowed only during the same financial year in which the energy has been banked.

**Provision in Final Open Access (First Amendment) Regulations, 2020**

No change is required in draft regulations.

**8 Banking Charges**

**Existing Open Access Regulations, 2017**

No such clause is available in Parent Regulations

**Commission’s Proposal in Draft Open Access (First Amendment) Regulations, 2020**

*“7A.1 5 Banking Charges at the rate of 5% of the banked energy shall be applicable in kind. Banking Charges shall be applicable at the time of drawal of banked energy. For unutilized banked energy at the end of financial year limited to 20% of total generation by Renewable Energy Generating Station, Distribution Licensees shall make payment or unutilized energy after adjusting the banking charges.”*

**Stakeholders’ Comments/Suggestions:**

- 8.1 Captive Power Producers Association submitted that most of the States are providing banking facility with banking charges of 2%, since banking is basic requirement for renewable energy consumption and since it is promotional measure, banking charges should not be high and shall be 2% on the banked energy.

**Analysis & Commission Decision:**

- 8.2 The Commission already explained in Explanatory Memorandum and described the position of banking facility charges in some of the major States, which is in the range of 2% to 12.5% of the banked energy, as follows:

States/Provisions	Applicability of Banking of Energy	Banking Charges	Treatment of Unutilized Banked Energy
Andhra Pradesh (APERC)	<i>Third Party Sale &amp; Captive RE users: Banking Allowed for Wind, Solar and Small HEP. Banking settlement period 1 Month.</i>	<i>Banking charges shall be 2% of the energy drawl</i>	<i>Unutilized Energy to be purchased by Licensee at Pooled Power Purchase Cost</i>
Karnataka (KERC)	<i>Third Party &amp; Captive RE Sale: Allowed</i>	<i>Banking charges shall be 2% of the energy banked.</i>	<i>Unutilized energy shall be purchased at 85% (for non-REC wind, mini hydel and solar energy projects) of the RE generic Tariff.</i>

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<b>Madhya Pradesh (MPERC)</b>	<i>Third Party RE Sale: Allowed Captive RE Users: Allowed if not registered with Distribution Licensee</i>	<i>2% of Energy input to be deducted as Wheeling Charges</i>	<i>Unutilized energy shall be settled at lowest bidding rate for the year for third party sale. For RE Captive users, unutilized energy to be settled at APPC determined by MPERC.</i>
<b>Maharashtra (MERC)</b>	<i>Third Party &amp; Captive RE Sale: Allowed The Period of banking has been defined as 1 Month.</i>	<i>Banking charges shall be adjusted in kind @ 2% of the energy banked.</i>	<i>The unutilized banked energy at the end of the month, limited to 10% of the actual total generation by such RE generator in such month, shall be considered as deemed purchase by the Distribution Licensee at a rate equivalent to that stipulated under yearly Generic RE Tariff Order applicable for respective technology</i>
<b>Rajasthan (RERC)</b>	<i>Third Party RE Sale: Banking Not Allowed. RE Captive Users: Banking Allowed. Further, the Period of banking has been allowed as 1 year.</i>	<i>Banking charges at the rate of 10% of banked energy.</i>	<i>Unutilized banked energy at the end of financial year shall lapse and no compensation shall be applicable on unutilized banked energy at the end of the financial year.</i>
<b>Tamil Nadu (TNERC)</b>	<i>Third Party RE Sale: Banking Not Allowed. RE Captive Users: Banking Allowed. The Period of banking has been allowed as 1 month.</i>	<i>For existing WEG Banking Charges of 14% of Banked energy unutilized at the end of financial year. For New Wind Generators after 01.08.2018 no banking charges for the banked energy for 1 month.</i>	<i>No such Provision/Clause</i>
<b>Uttar Pradesh (UPERC)</b>	<i>Third Party RE Sale: Banking Allowed (Except for SHP &amp; MSW) RE Captive Users: Banking Allowed</i>	<i>Banking charges shall be 12% of the energy banked except for Solar and Wind Power for which it shall be 6% of the energy banked.</i>	<i>The unutilized banked energy for Non-conventional plant except SHP and MSW, be considered as sale to Licensee at Rs. 2/kWh.</i>
<b>Uttarakhand (UERC)</b>	<i>Third Party RE Sale: Banking Allowed for Non-fossil fuel-based Cogeneration Stations. RE Captive Users: Banking Allowed</i>	<i>Banking charges shall be 12.5% of the energy banked.</i>	<i>The unutilized banked energy on the expiry of the financial year would be treated as sale at the tariff determined by the Commission in its TO for the year during which the power was banked or at the generic tariff specified by the Commission in case of a Non-fossil fuel based Co-generating stations. No banking charges shall be deducted from such unutilized banked energy.</i>

8.3 Hence, in order to protect interest of Consumers as well as the Distribution Licensees, Banking Charges are proposed at the rate of 5% of the banked energy applicable in kind. Hence, the Commission decides to retain the proposed provisions of the Draft Regulations.

**Provision in Final Open Access (First Amendment) Regulations, 2020**

No change is required in draft Regulations.

**9 Imbalance Charges**

**Existing Open Access Regulations, 2017**

In chapter 5 of the Open Access Regulations, 2017 the Commission has clearly defined the cases separately with illustration, where and how the imbalance charges will be applicable on the eligible consumers.

**“Chapter 5: Scheduling and Imbalance Charges**

## **5.1 Scheduling**

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### **5.2 Imbalance Charges**

#### **1. Settlement of Energy at Drawal Point in Respect of Open Access Consumer, or Trading Licensee on Behalf of Open Access Consumer**

##### **a. Open Access Consumer, who is not a Consumer of the Distribution Licensee**

*Deviations between the scheduled and the actual drawal in respect of a Full Open Access Consumer shall come under the purview of the Intra-State ABT, as notified by the Commission and shall be settled based on the composite accounts for imbalance transactions issued by SLDC on a weekly cycle based on net metering in accordance with the Deviation Charges specified by the Commission. Billing, collection and disbursement of any amounts under the above transactions shall be in accordance with the Commission's Orders on Intra-State ABT, as may be applicable from time to time:*

*Provided that till the time Intra-State ABT mechanism is not notified by the Commission, any underdrawal shall be settled in accordance with the provisions of the Deviation Settlement Mechanism notified by CERC from time to time:*

*Provided that till the time Intra-State ABT mechanism is not notified by the Commission, any overdrawal shall be settled at higher of the applicable deviation rates (as notified in the CERC Deviation Settlement Mechanism Regulations 2014 amended from time to time) or the temporary tariff applicable for the Consumer category as determined by the Commission from time to time:*

*Provided that if the Commission has not specified temporary tariff for a category, charges at the rate of 125% of the normal category shall be applicable.*

##### **b. Open Access Consumer, who is also a Consumer of the Distribution Licensee**

*In case of deviation between the schedule and the actual drawal in respect of an Open Access Consumer who is a Consumer of Distribution Licensee shall come under the purview of the Intra-State ABT, as notified by the Commission and shall be settled based on the composite accounts for imbalance transactions issued by SLDC on a weekly cycle in accordance with the Deviation Charges specified by the Commission. Billing, collection and disbursement of any amounts under the above transactions shall be in accordance with the Commission's Orders on Intra-State ABT, as may be applicable from time to time.*

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*Till the implementation of Intra-State ABT, the charges shall be regulated as below:*

*The quantum of drawal of electricity by a partial Open Access Consumer from the Distribution Licensee during any Time Block of a Day should not exceed the “Admissible Drawal” of electricity by the Open Access Consumer which is the difference of Contract Demand and maximum quantum of Open Access for which approval has been granted by the Nodal Agency.*

*[Illustration: If an Open Access Consumer with a Contract Demand of 10 MW has been given an approval for a maximum Open Access quantum of 6MW for a period of 3 Months, the Admissible Drawal of electricity from the Distribution Licensee during any Time Block shall be 4 MW for any Day during a period of 3 Months.]*

*i. Overdrawal*

*The overdrawal by an Open Access Consumer who is a Consumer of the Distribution Licensee shall be settled as under:*

*i. Fixed Charges on the Admissible Drawal of electricity by the Open Access Consumer from the Distribution Licensee, even if there is no drawal from the Distribution Licensee.*

*ii. Energy charges corresponding to drawal from a Distribution Licensee by the Open Access Consumer limited to Admissible Drawal of electricity by the Open Access Consumer, at the applicable energy charge rates of the Distribution Licensee.*

*iii. Additional fixed charges at the rate of 125% of normal fixed charges, for demand above the Admissible Drawal of electricity by the Open Access Consumer.*

*iv. Energy charges on any drawal above the Admissible Drawal of electricity by the Open Access Consumer at the rate of charges for temporary connection for the same category.*

*ii. Underdrawal*

*In case of underdrawal with respect to scheduled energy, Open Access Consumer shall not be paid any charges by the Distribution Licensee.*

**Commission’s Proposal in Draft Open Access (First Amendment) Regulations, 2020**

“7A.1 7 The Banking as well as withdrawal of banked energy shall be subject to Day Ahead Scheduling in accordance to the provisions of Chapter 5 of this Regulations. The power withdrawn by the Captive consumer/Third Party consumer, as ascertained by Special Energy Meter readings, which is not

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against the banked power, shall be considered as power purchased by the Captive Consumer/Third Party consumer.”

**Stakeholders’ Comments/Suggestions:**

- 9.1 Puducherry Electricity Department (PED) requested Commission to incorporate the suitable provisions on applicability of Imbalance Charges for Open Access Consumers from renewable sources as the Principal Regulations does not specify its applicability. Further, method of computation of Admissible drawal for partial open access consumers who are procuring power from RE sources may also be added in amendment.
- 9.2 Amplus Energy Solution Private Limited (AESPL) submitted that the concept of imbalance charges beyond admissible drawal as in Regulation 5.2.1 b, should not be applicable on Consumers sourcing power from infirm sources like Solar. Hence the banking as well as the withdrawal of Banked energy should not be subjected to the Clause 5.2 of the existing Regulations.

**Analysis & Commission Decision:**

- 9.3 It is imperative to note that the Commission has extended the banking facility to renewable energy generators eligible under this Regulations considering its intermittent nature. Accordingly, subjecting the banking of power to day ahead scheduling may hamper these eligible generators from taking advantage of the banking facility at its fullest. Therefore, the Commission has decided to exempt Banking of energy and withdrawal of banked energy from Day Ahead Scheduling.

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Proposed Regulation 7A.1 7 has been removed from the draft Regulation.

**10 Time of Day (TOD)**

**Existing Open Access Regulations, 2017**

No such clause is available in Parent Regulations

**Commission’s Proposal in Draft Open Access (First Amendment) Regulations, 2020**

*“7A.2 1 For each billing period, the Distribution Licensee shall show the quantum of electricity injected by the Renewable Energy Generating Station in the billing period, quantum of electricity withdrawn by the Captive consumer/Third Party consumer from such Generating Station in the billing period, net electricity qualifying for payment by the Captive Consumer/Third Party consumer for that billing period, and net carried over electricity to the next billing period separately.”*

**Stakeholders' Comments/Suggestions:**

- 10.1 Amplus Energy Solution Private Limited (AESPL) requested the Commission to provide clarification that the settlement on monthly basis as provided in clause 7A.2 1 of the draft regulations shall not be TOD wise but shall be on a total injection and total withdrawal basis.

**Analysis & Commission Decision:**

- 10.2 The Commission clarifies that in order to provide relief to the eligible entities for banking of energy under this Regulations, capping has only been kept on the total injection by renewable energy generator without considering time of day.

**Provision in Final Open Access (First Amendment) Regulations, 2020**

No change is required in draft Regulations.

**11 Procedure for Energy Settlement**

**Existing Open Access Regulations, 2017**

No such clause is available in Parent Regulations

**Commission's Proposal in Draft Open Access (First Amendment) Regulations, 2020**

No such clause is available in draft Regulations

**Stakeholders' Comments/Suggestions:**

- 11.1 Amplus Energy Solution Private Limited (AESPL) requested Commission to provide the Procedure for energy settlement for energy drawn by Consumer from various sources, including Withdrawal of banked power, Renewable Energy, Captive Power, Discom Power may be included in first Amendment to facilitate proper energy settlement, including priority of banked power withdrawal.
- 11.2 Captive Power Producers Association (CPPA) also requested to include the Energy accounting details in case if a consumer opts for Open access for conventional power and also wheeling and banking simultaneously.

**Analysis & Commission Decision:**

- 11.3 Regulation 3.9 of the JERC (Connectivity and Open Access in Intra-State Transmission and Distribution) Regulations, 2017 provides for allotment priority for grant of open access to different open access consumers. It is clarified that the priority for banking of energy and its withdrawal will also be

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governed as per the provision of the Regulation 3.9 of the Principal Regulations.

**Provision in Final Open Access (First Amendment) Regulations, 2020**

No change is required in draft Regulations.

**D. Annexure - Agreements**

**12 Model Wheeling, Transmission & Banking Agreement**

**Existing Open Access Regulations, 2017**

No such agreement is available in Parent Regulations

**Commission's Proposal in Draft Open Access (First Amendment) Regulations, 2020**

*“D 2 Subject to JERC Regulations/Orders, the energy injected by the generation facility under wheeling shall be charged first to the consumption of LTC/ MTC. The residual energy at the end of settlement period shall be deemed to have been purchased by the Transmission/Distribution Licensee in whose jurisdiction the project is located and paid by such Transmission/Distribution Licensee subject to the provisions of the JERC Open Access Regulations, 2017 and its amendments, thereof.”*

**Stakeholders' Comments/Suggestions:**

- 12.1 Amplus Energy Solution Private Limited (AESPL) requested Commission to add phrase “and /or its customers” at the end of first line of provision D 2 of Annexure 1 in case LTC (Long Term Customer) is a generating entity.

**Analysis & Commission Decision:**

- 12.2 Considering the suggestion of the stakeholder, the Commission has decided to add the proposed phrase “and /or its customers” at the end of first line of provision D 2 of Annexure 1 in case LTC (Long Term Customer) is a generating entity.

**Provision in Final Open Access (First Amendment) Regulations, 2020**

*“D 2 Subject to JERC Regulations/Orders, the energy injected by the generation facility under wheeling shall be charged first to the consumption of LTC/ MTC and /or its customers. The residual energy at the end of settlement period shall be deemed to have been purchased by the Transmission/Distribution Licensee in whose jurisdiction the project is located and paid by such Transmission/Distribution Licensee subject to the*



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*provisions of the JERC Open Access Regulations, 2017 and its amendments, thereof.”*

**13 Banking Agreement**

**Existing Open Access Regulations, 2017**

No such clause is available in Parent Regulations

**Commission’s Proposal in Draft Open Access (First Amendment) Regulations, 2020**

*“Part II – Banking Agreement, clause 4 The power withdrawn by Renewable Energy Generating Stations, as ascertained by SEMs readings, which is not against the banked power, shall be treated as sale and the financial settlement shall be made as per Regulation of JERC Open Access Regulations 2017, and its amendments, thereof.”*

**Stakeholders’ Comments/Suggestions:**

- 13.1 Amplus Energy Solution Private Limited (AESPL) requested Commission to add phrase “/captive users of RE based captive generating stations” after “withdrawn by Renewable Energy Generating Stations” in order to maintain consistency with the banking agreement proposed in Draft Amendment.

**Analysis & Commission Decision:**

- 13.2 Considering the suggestion of the stakeholder, the Commission has decided to add the proposed phrase “/captive users of RE based captive generating stations” after “withdrawn by Renewable Energy Generating Stations” in order to maintain consistency with the banking agreement proposed in Draft Amendment.

**Provision in Final Open Access (First Amendment) Regulations, 2020**

*“Part II – Banking Agreement, clause 4*

*The power withdrawn by Renewable Energy Generating Stations/captive users of RE based captive generating stations, as ascertained by SEMs readings, which is not against the banked power, shall be treated as sale and the financial settlement shall be made as per Regulation of JERC Open Access Regulations 2017, and its amendments, thereof.”*

**E. Miscellaneous**

**14 Procedure for verification of Captive status**

**Existing Open Access Regulations, 2017**

No such clause is available in Parent Regulations

**Commission's Proposal in Draft Open Access (First Amendment) Regulations, 2020**

No such clause is provided in draft Regulations

**Stakeholders' Comments/Suggestions:**

- 14.1 Amplus Energy Solution Private Limited (AESPL) requested Commission to issue the procedure of verification of Captive Status of a plant.

**Analysis & Commission Decision:**

- 14.2 Clause 3 of the Electricity Rules, 2005 stipulates norms for the minimum eligibility criteria in terms of energy consumption and ownership stake in the captive generating Station, as reproduced below:

*“(1) No power plant shall qualify as a ‘captive generating plant’ under section 9 read with clause (8) of section 2 of the Act unless-*

*(a) in case of a power plant -*

- i. not less than twenty six percent of the ownership is held by the captive user(s), and*
- ii. not less than fifty one percent of the aggregate electricity generated in such plant, determined on an annual basis, is consumed for the captive use.”*

- 14.3 Clause 3 of the Electricity Rules, 2005 stipulates eligibility criteria for the qualification of captive power plant set up by Association of Persons, or by co-operative society, as reproduced below:

*“Provided that in case of power plant set up by registered cooperative society, the conditions mentioned under paragraphs at (i) and (ii) above shall be satisfied collectively by the members of the co-operative society:*

*Provided further that in case of association of persons, the captive user(s) shall hold not less than twenty six percent of the ownership of the plant in aggregate and such captive user(s) shall consume not less than fifty one percent of the electricity generated, determined on an annual basis, in proportion to their shares in ownership of the power plant within a variation not exceeding ten percent;”*

- 14.4 As the procedure of verification of Captive Status of a plant is already provided in the Electricity Rules, 2005, and the issue is beyond the scope of the JERC (Connectivity and Open Access in Intra-State Transmission and Distribution) Regulations, 2017, the Commission has not considered the stakeholders suggestion.

*Statement of Reasons for JERC (Connectivity and Open Access in Intra-State Transmission and Distribution) (First Amendment) Regulations, 2020*

**Provision in Final Open Access (First Amendment) Regulations, 2020**

No change is required in draft Regulations.

**15 Renewable Purchase Obligation (RPO)**

**Existing Open Access Regulations, 2017**

No such clause is available in Parent Regulations

**Commission's Proposal in Draft Open Access (First Amendment) Regulations, 2020**

No such clause is provided in draft Regulations

**Stakeholders' Comments/Suggestions:**

- 15.1 Captive Power Producers Association (CPPA) sought clarity from the Commission on the RPO matter, also provided a clause and requested Commission to include the same in proposed amendment:  
"The renewable energy consumed under the wheeling and banking agreement by an Obligated Entity shall be counted towards meeting their RPO."

**Analysis & Commission Decision:**

- 15.2 Regulation 7.2 of the JERC (Procurement of Renewable Energy) (Second Amendment), Regulations, 2015, provides as follows:  
*"7.2 Captive User (s) and Open Access Consumer (s) shall purchase renewable energy and / or Renewable Energy Certificate (s) as stated in Regulation 3 of these Regulations or generate renewable energy for its own consumption, which shall be considered for RPO purposes only after certification by the State Nodal Agency. If the Captive User(s) and Open Access consumer (s) are unable to fulfill the criteria as specified in Regulation 3 of the aforesaid Regulations, the shortfall of the targeted quantum would attract payment of regulatory charge as per Regulation 10 of the said Regulations."*
- 15.3 Since, the procedure for eligibility and verification of RPO compliance is already provided in the JERC (Procurement of Renewable Energy) Regulations, 2010 and its amendments and the issue is beyond the scope of this Regulations, the Commission has not considered the suggestion of the stakeholders.

**Provision in Final Open Access (First Amendment) Regulations, 2020**

No change is required in draft Regulations.

**16 Open Access Charges**

**Existing Open Access Regulations, 2017**

*Statement of Reasons for JERC (Connectivity and Open Access in Intra-State Transmission and Distribution) (First Amendment) Regulations, 2020*

*In clause 4.1 to clause 4.9 of chapter 4 (Open Access Charges), the Commission has clearly defined and provided the applicability of various charges (including Transmission, wheeling, scheduling, cross-subsidy, additional surcharge etc) for Short/Medium/Long term Open Access Consumers.*

**Commission's Proposal in Draft Open Access (First Amendment) Regulations, 2020**

No such clause is provided in draft Regulations as it is already defined in Parent Regulation.

**Stakeholders' Comments/Suggestions:**

- 16.1 Amplus Energy Solution Private Limited (AESPL) requested to clarify if RE captive generating station is connected at 110 KV while captive consumer is connected at 33 KV, and both are within the same state, say Goa, what would be the open access charges applicable?
- 16.2 Further in case RE captive generating station (LTOA applicant) as well as consumer, both are connected at 33 KV would double of ascertained charges be levied?

**Analysis & Commission Decision:**

- 16.3 The Commission clarifies that the applicability of Open Access Charges & Losses separately for Short-term, Medium-term & Long-term Open Access Consumers has already been provided in clause 4.9 of the JERC (Connectivity and Open Access in Intra-State Transmission and Distribution) Regulations, 2017.

**Provision in Final Open Access (First Amendment) Regulations, 2020**

No change is required in draft regulations.