

UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

First Floor, Institution of Engineers (India) Building, Near I.S.B.T., Saharanpur Road,
Clementown, Dehradun-248002

Notification

August ..., 2013

... In exercise of powers conferred under section 181 of the Electricity Act, 2003, and all other powers enabling it in this behalf, and after previous publication, the Uttarakhand Electricity Regulatory Commission hereby makes the following amendments in the Uttarakhand Electricity Regulatory Commission (Compliance of Renewable Purchase Obligation) Regulations, 2010 (Principal Regulations), namely:

1. Short Title, Commencement and Interpretation

- (1) These Regulations may be called the Uttarakhand Electricity Regulatory Commission (Compliance of Renewable Purchase Obligation) (First Amendment) Regulations, 2013.
- (2) These shall come into force on the date of their publication in the official Gazette.

2. Amendment of Regulation 2 of Principle Regulation:

The definition given in Clause (l) of Sub-Regulation (2.1) of the Principle Regulation will be replaced as under:

“Obligated Entity” means the distribution licensee, captive user (excluding co-generating based captive power plants) and open access consumer in the State, which is mandated to fulfill renewable purchase obligation under these regulations.

3. Amendment of Regulation 2 of Principal Regulation: Clause (o) of Sub-Regulation (2.1) of the Principal Regulations shall be deleted.

4. Amendment of Regulation 8 of Principal Regulation:

- a. In sub-Regulation (8.1) of the Principal Regulations the words “including self-consumption of generation from renewable energy based captive generation plant and renewable energy based Co-generation plants” shall be inserted between the words “sources” & “shall”
- b. Clause (a) of sub-Regulation (8.1) of the Principal Regulations, shall be replaced by the following:

“It has connectivity to the State network and injects power into the grid. However, in case of self consumption of generation from RE based captive generation plants and RE based Co-generation plants, they shall deem to be injecting this portion of overall generation into the grid”.

- c. Clause (b) of Sub-Regulation (8.1) of the Principal Regulations shall be substituted as under:

“It does not have any power purchase agreement for the capacity related to such generation to sell electricity, with the distribution licensee of the State for the purpose of meeting its renewable purchase obligation, at a preferential tariff determined under section 62 or adopted under section 63 of the Act by the Commission:

Provided that self consumption of generation from renewable energy sources based captive generation plants and renewable energy sources based cogeneration plants shall be based on the capacity as assessed by the distribution licensee of the State, and the same shall be considered as the capacity for captive consumption for the purpose of issue of certificates, and the same should not be in any case covered under a PPA with that distribution licensee.”

- d. In Clause (c) of Sub-Regulation (8.1) of the Principal Regulations the words "at a price not exceeding the pooled cost of the power purchase (excluding transmission charges) of such distribution licensee" shall be substituted with the words "at the pooled cost of power purchase (excluding transmission charges) of such distribution licensee as determined by the Commission".
- e. The following provisos shall be added at the end of the Clause (c) of sub-Regulation (8.1) of the Principal Regulations namely:

“Provided that such a generating company having entered into a power purchase agreement for sale of electricity with the obligated entity for the purpose of meeting its renewable purchase obligation, at a tariff determined under section 62 or adopted under section 63 of the Act by the Commission shall not, in case of pre-mature termination of the agreement, be eligible for participating in the Renewable Energy Certificate (REC) scheme for a period of three years from the date of termination of such agreement or till the scheduled date of expiry of power purchase agreement, whichever is earlier ,if any order or ruling is found to have been passed by the Commission or a competent court against the generating company for material breach of the terms and conditions of the said power purchase agreement.

Provided further that renewable energy sources based Captive Generating Plant (CGP) shall be eligible for the energy generated from such plant for self consumption for participating in the REC scheme subject to the condition that such CGP has not availed or does not propose to avail any benefit in the form of concessional/promotional transmission or wheeling charges and/or banking facility benefit.

Provided also that if such a CGP forgoes on its own the benefits of concessional transmission or wheeling charges and/or banking facility benefit it shall become eligible for participating in the REC scheme only after a period of three years has elapsed from the date of forgoing such benefits:

Provided also that the above mentioned condition for CGP for participating in the REC scheme shall not apply if the benefits given to such CGP in the form of concessional transmission or wheeling charges and/or banking facility benefit are withdrawn by the Commission and/or the State Government:

Provided also that any renewable energy sources based Co-generation plant availing the concessional benefits in the form of transmission or wheeling charges and/or the banking facility benefit shall be required to forego such benefits for the purpose of availing renewable energy certificate for self-consumption of energy generated. It shall become eligible for participating in the REC scheme immediately after the date of forgoing such benefits:

Provided also that if any dispute arises as to whether a CGP or any other renewable energy generator has availed such concessional/promotional benefits, the same shall be referred to the Commission for decision.

Explanation: For the purpose of this Regulation, the expression 'banking facility benefit' shall mean only such banking facility whereby the CGP or renewable energy sources based Co-generating stations gets the benefit of utilizing the banked energy at any time (excluding peak hours)."

- f. A new Clause (e) shall be added after Clause (d) under Sub-Regulation (8.1) of the Principal Regulations as under:

"e. It does not sell electricity generated from the plant, either directly or through trader, to an obligated entity for compliance of the renewable purchase obligation by such entity."

By the order of the Commission

(Neeraj Sati)
Secretary