

**UTTARAKHAND ELECTRICITY REGULATORY COMMISSION  
DEHRADUN  
NOTIFICATION (DRAFT)**

**Draft 'UERC (Terms & Conditions for Intra-State Open Access) (First Amendment) Regulation, 2016'**

**Explanatory Memorandum**

The existing Open Access Regulations, namely UERC (Terms and Conditions of Intra-State Open Access) Regulations, 2015 were notified and came into force on 28<sup>th</sup> February, 2015. Generally, no difficulty as such has been brought to the notice of the Commission with regard to implementation of these Regulations vis-à-vis Open Access transaction in the State meaning thereby that these existing Regulations have been perceived well by all the stakeholders. The smooth operation of the Open Access transaction in the State based on the robust regulatory framework gets corroborated by the fact that as of now 76 numbers of Open Access customers are availing open access in the State.

Notwithstanding the above, open access mechanism, a parallel system of drawing and injecting power by any consumer or generator has been in a formative stage of development and is evolving rapidly with the passage of time. Therefore, to keep pace with the development occurring in such transactions and drawing reference from recently notified open access regulations in other States, this State Commission proposes to include few new provisions which are relevant in today's Open Access mechanism. These new provisions included in the draft amendment are being discussed in the following paragraphs:

**1. Scheduling of Power under Open Access:**

The existing Regulations allowed scheduling of power by an embedded open access consumer whether long/medium/short term only upto the contracted/sanctioned load of such consumers with the distribution licensee of its area. However, these proposed amendments include a provision wherein an embedded consumer of the licensee can apply for and avail long term access for MW capacity over and above its sanctioned/contracted load. Since, such availment of power under open access would require modification of the inter-connection point including augmentation of feeder, metering cubicle etc., therefore, such facility has been extended only to long term access customers who would avail open access for a period exceeding 12 years.

Whereas short term and medium term open access consumers have not been allowed this provision since it would not be technically feasible to go for modification of inter-connection point including augmentation of feeder, metering cubicle etc. only for the purpose of short term/medium term open access transactions.

**2. Priority of Adjustment of Energy from Various Sources:**

Electricity Act, 2003 enabling open access both for drawal/injection of power has lead to a development of diversified electricity market wherein any consumer/licensee can draw power under open access from multiple sources of energy say from RE power generator, captive power plant, banked energy, long term bilateral purchase, medium term open access, short term open access including power exchanges and distribution licensee. Under the aforesaid scenario, for the purpose of adjustment of energy at SLDC/RLDC level, it is imperative that priority on adjustment be specified in the overall drawal for each time block in a day. Hence, additional provision has included in the amendment to address the above issue of priority of adjustment of energy. This provision mutatis mutandis apply the generator selling power to multiple persons/consumers under open access mechanism.

**3. Nodal Agency to install Main and Check Meters within specified time:**

The existing regulation includes the option of procuring the necessary ABT compliant energy meters, both Main and Check by the open access customers at their own cost. Subsequently, there is a provision in the existing regulations for refund of the cost of only check meter to such customers who have procured the above meters themselves. The Commission has come across the matter wherein disputes have arisen between the distribution licensee and open access customer on the cost of check meter to be refunded. Therefore, in order to avoid any such dispute in future, nodal agency including distribution licensee has been solely made responsible for providing and installing both Main and Check meters at open access customer premises within a time period as requested by such customer in its application subject to the condition that open access customer should give atleast 1 month time to the nodal agency to procure and install Main and Check Meter. Accordingly, amendment has been proposed in the existing regulations to facilitate timely installation of meters enabling start of open access transactions as requested by the open access applicant in its application submitted to the nodal agency.

4. Since Un-scheduled Inter-change mechanism has now been renamed as Deviation Settlement Mechanism by CERC and is prevalent in the country, therefore, limited amendments have been proposed to replace the word “Un-scheduled Inter-change” by “Deviation Settlement” wherever it exist in the existing regulations.