

पावर ट्रांसमिशन कारपोरेशन ऑफ उत्तराखण्ड लि०

(उत्तराखण्ड सरकार का उपक्रम)

निदेशक (परियोजना) कार्यालय

विद्युत भवन, नजदीक-आई०एस०बी०टी० क्रॉसिंग, सहारनपुर रोड, माजरा, देहरादून-248002
दूरभाष नं० 0135-2645753 फ़ैक्स नं० 0135-2645753 ई-मेल shrawan_k_sharma@ptcul.org

No. 444/Dir. (Projects)/PTCUL/ MYT

Date: 17/03/2016

To,

✓ The Secretary

Uttarakhand Electricity Regulatory Commission
"Vidyut Niyamak Bhawan",
Near I.S.B.T., P.O. Majra
Dehradun (Uttarakhand)

Sub: Stakeholder's comments on PTCUL's Petition for Multi Tariff and Business Plan for the Control Period FY 2016-17 to FY 2018-19.

Sir,

Kindly take reference of Hon'ble UERC letter no UERC/6/TF-286/15-16/2016/1833 dated 10.03.2016 on above-mentioned subject vide which PTCUL has directed to submit response on the 02 nos. comments received from Stakeholders.

In this regard, the PTCUL's response on the comments received from Stakeholders is being enclosed herewith as directed by the Hon'ble Commission. In continuation to the above, it is also submitted that PTCUL has been complied with the directions issued by the Hon'ble Commission vide Letter No. 444/Dir. (Projects)/PTCUL/MYT dated 11.03.2016 in response to the Hon'ble Commission's letter no. UERC/6/TF-286/15-16/2016/1749 dated 26.02.2016.

Submitted for kind consideration of the Hon'ble Commission.

Encl: As above.

Thanking you,

Yours Faithfully,

(S.K. Sharma)

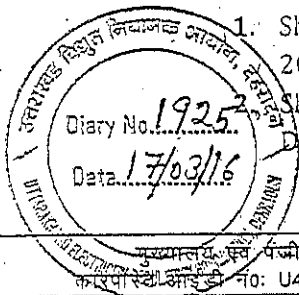
Director (Projects)

Cc:-

1. PS to MD, PTCUL for kind information of Managing Director, PTCUL.

Copy forwarded to the following along with the PTCUL's response in compliance of Hon'ble Commission letter no UERC/6/TF-286/15-16/2016/1833 dated 10.03.2016:-

1. Sh. Abhinav Singh, M/s Bhilangana Hydro Power Limited, B-37, 3rd Floor, Sector-1, Noida-201301, Gautam Budh Nagar, Uttar Pradesh.
2. Sh. Dalip Dua, Vice President (Publications), M/s Himalaya Power Producers Association, Dehradun Chapter, 12-D, Race Course, Dehradun.



मुख्यालय: विद्युत भवन, नजदीक-आई०एस०बी०टी० क्रॉसिंग, सहारनपुर रोड, माजरा, देहरादून - 248002

कार्यालय: विद्युत भवन, नजदीक-आई०एस०बी०टी० क्रॉसिंग, सहारनपुर रोड, माजरा, देहरादून - 248002
दूरभाष नं० 0135-2645753 फ़ैक्स नं० 0135-2645753 वेबसाइट www.ptcul.org


1. PTCUL's comments on the response / suggestion received from Sh. Abhinav Singh, M/s Bhilangana Hydro Power Limited, B-37, 3rd floor, Sector 1, Noida-201301, Gautam Budh Nagar, Uttar Pradesh on Multi-Year Tariff (MYT) Petition and Business Plan for the control period of three financial years from 01-04-2016 to 31-03-2019 along with tariff determination for FY 2016-17, true up for FY 2014-15 and annual performance review for FY 2015-16 by Power Transmission Corporation of Uttarakhand Limited.

S. No.	Objections/Comments/Suggestions	Response
1	Issue of allowing ARR for the control period FY 2016-17 to FY 2018-19 in respect of Bhilangana-III (Ghuttu)-Ghansali line.	<p>It is clarified that the Hon'ble Commission vide its order dated 29.04.2013 and tariff order dated 06.05.2013 had determined the transmission charges for the control period FY 2016-17 to FY 2018-19 in respect of BH-III (Ghuttu)- Ghansali line. M/s BHPL filed Appeal No. 128 & 129 before Hon'ble APTEL against the aforesaid orders issued by Hon'ble UERC. PTCUL filed Appeal No. 163 in line of the same on dated 01.07.2013 before Hon'ble APTEL.</p> <p>The Hon'ble APTEL after analyzing the rival contentions of both the parties issued order dated 29.11.2014 giving the following findings:</p> <p>(a) M/s BHPL is liable to pay entire transmission charges for one circuit of the line as determined by the Commission which is as per the Regulations.</p> <p>(b) PTCUL is entitled to recover charges for only one circuit of the line from the Appellant.</p> <p>Meanwhile, PTCUL filed a review petition, being Review Petition No. 2 of 2015 in Appeal No. 163 of 2013 against the aforesaid order dated 29.11.2014, with respect to issue regarding whether 220KV D/c line from BH-III to Ghansali is an inter-state line and that the Hon'ble Commission is the appropriate Commission to determine the charges of the aforesaid line and issue of disallowance of RoE by Hon'ble Commission on the amount of equity contributed by GoU towards development of the 220KV Ghuttu-Ghansali line.</p>

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 SHEWAN KUMAR SHARMA
 DIRECTOR (PROJECTS)
 POWER TRANSMISSION CORPORATION
 OF UTTARAKHAND LIMITED


S. No.	Objections/Comments/Suggestions	Response
		<p>Thus, it is evident that Petitioner i.e. PTCUL was involved in litigation after the issuance of tariff order dated 06.05.2013 and M/s BHPL filed a civil Appeal being CA No. 2368-70 of 2015 against order dated 29.11.2014 wherein one of the issue is that whether the 220KV D/c line from BH-III (Ghuttu)- Ghansali line is an inter-state line and that the Hon'ble Commission would determine the charges of the aforesaid line.</p> <p>PTCUL's submission in response to the aforesaid matter before the Hon'ble Supreme Court of India is stipulated as below: -</p> <p>".....that the transmission line between. M/s BHPL's Hydro Project and Ghansali i.e. (Bhilangana (Ghuttu)- Ghansali) as well as the Ghansali-Chamba transmission line which connects to Chamba sub-station cannot be construed as an ISTS line or a deemed ISTS line merely because BHPL is exporting power generated at its Hydro-Project outside the state of Uttarakhand through the said transmission system/lines.</p> <p>(i). In this context, it is relevant to note that the EA Act under Section 2(36) defines Inter State Transmission System/ ISTS to mean (i) any system used to evacuate electricity by a main transmission line from the territory of one state to another state; (ii) the evacuation of electricity across the territory of a state which is incidental to such inter-state transmission of electricity and (iii) the transmission of electricity within the territory of a State on a system built, owned, operated, maintained or controlled by CTU cannot be treated as an ISTS line/system and accordingly the electricity evacuated from BHPL's Hydro Project</p>



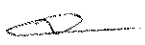

 SHRAWAN KUMAR SHARMA
 DIRECTOR (INTEGRATION)
 POWER TO GOVERNMENT
 DEPARTMENT OF POWER


S. No.	Objections/Comments/Suggestions	Response
		<p>to the substation at Chamba through Ghuttu-Ghansali and Ghansali-Chamba transmission lines cannot be treated as deemed ISTS as alleged by BHPL.</p> <p>(ii). Transmission of power evacuated from the BHPL's Hydro Project is not carried on a system built, owned, operated, maintained or controlled by Central Transmission Utility/PGCIL.</p> <p>(s) As far as the issues pertaining as to whether the above mentioned transmission system falls within Section 2(36) (ii) and whether CERC will determine transmission charges for the said system under the CERC (Sharing of Inter State Transmission charges and losses) Regulations, 2010 (PoC Regulations).</p> <p>It is respectfully submitted that in the present circumstances, neither the said transmission system falls within the Section 2(36) (ii) nor the present the PoC Regulations will apply for determination of charges. It is relevant to submit that the Removal of Difficulty Order dated 04.04.2011 issued by CERC clearly provided that a non-ISTS line will only be deemed to be used for interstate transmission once the process of load flow study has been conducted and that such a study conclusively displays that more than 50% of the total power transmitted through the line is interstate power.</p> <p>It is respectfully submitted that the transmission line between Ghuttu - Ghansali as well as the Ghansali-Chamba transmission line which connects to Chamba sub-station clearly do not fall within the categories envisaged under Regulation 2(36) (i) (iii) because of the following reasons:</p>




 SHRAWAN KUMAR SHARMA
 DIRECTOR (P&T) (C)
 RAILWAY BOARD
 NEW DELHI

S. No.	Objections/Comments/Suggestions	Response
		<p>i). The Ghuttu-Ghansali is Connected with Ghansali-Chamba line which in turn connected to the Chamba Sub-Station. The said line forms part of the Intra State Transmission System which is owned and operated by PTCUL and is not connected to ISTS either BH-III or at Chamba. The Chamba sub-station is not connected to any inter-state transmission system of the CTU/PGCIL or with any other inter-state transmission licensee.</p> <p>The Chamba sub-station is connected to a 220KV S/S at Rishikesh which is further connected to a 220KV S/S at Haridwar where there is an inter-connection with the inter-state transmission line at 400/220KV S/S (Roorkee) owned by the Power Grid. It is pertinent to note that the electricity from Chamba to the aforementioned S/S is transmitted not only for BHPL's project but is also used for others who produce electricity within the state. Therefore, the Chamba Sub-station cannot treated as an ISTS line/ System and accordingly the Electricity evacuated from BHPL's Hydro Project to the substation at Chamba through Ghuttu-Ghansali and Ghansali-Chamba transmission lines cannot be treated as deemed ISTS as alleged by BHPL.</p> <p>In view of the PoC Regulations, the Ghuttu-Ghansali and Ghansali – Chamba transmission lines cannot be presumed by BHPL/Hon'ble Commission to imply for inter-state transmission of power till the time a load flow study in accordance with the PoC Regulations is conducted and the results of which establish that 50% of the total power transmitted through the said line is inter-state power. Since no</p>




 SHRAWAN KUMAR SHARMA
 DIRECTOR (FINANCE)
 RAJYOGYAN
 G.C.


S. No.	Objections/Comments/Suggestions	Response
		<p>such study has been carried out for the transmission system comprising of Ghuttu-Ghansali and Ghansali Chamba transmission lines to check the actual load flow, the said system cannot be deemed to be construed as ISTS within the meaning of PoC Regulations.”</p> <p>In view of the aforesaid submission of PTCUL, it is requested to the Hon’ble Commission to determine the tariff of 220 KV BH-III Ghuttu to Ghansali line for the control period FY 2016-17 to FY 2018-19 till any further orders of the Hon’ble Supreme Court of India in this matter.</p> <p>Further, it is brought to the notice of the Hon’ble Commission that presently M/s BHPL is selling its power to UPCL and its maximum power is consumed within the state. Therefore, the PoC Regulations will not be applicable and CERC has no jurisdiction to determine the transmission charges for the above said transmission line.</p> <p>PTCUL could not approach the Hon’ble Commission for continuance of the transmission charges after December’2013 because the matter that whether the Hon’ble UERC is the appropriate Commission to determine the charges of the aforesaid line was subjudice previously before Hon’ble APTEL and presently its adjudication is pending before the Hon’ble Supreme Court of India.</p> <p>Thereafter, the issue of claiming RoE contributed by the Government of Uttarakhand was also ruled in favour of PTCUL by the of Hon’ble Appellate Tribunal of Electricity in its order dated 15th May 2015 in R.P. No. 2 of 2015 in Appeal No. 163 of 2015 stating that</p>




SHRAWAN KUMAR SHARMA
DIRECTOR (M&C)
RAJYOGYAN
GATEWAY

S. No.	Objections/Comments/Suggestions	Response
		<p><i>"The Tribunal has upheld the findings of the State Commission in the impugned order but has not given any finding relating to disallowance of ROE on the funds deployed by the State Government from PDF towards capital cost of the project. We feel that the findings of this Tribunal in Appeal no. 189 of 2005 will be applicable to the present case. If the State Commission has not provided the amount as a grant and has invested the amount as equity, ROE has to be allowed as per the Regulations of the State Commission. Accordingly this issue is decided in favour of the Petitioner."</i></p> <p>Hon'ble Supreme Court in its Order dated 12th Oct, 2015 has stayed the order of the Hon'ble ATE. The Petitioner is in process of seeking clarification and removing stay on allowing return on equity on fund received through PDF. The Petitioner is hopeful of receiving the clarification and removing the stay in the current financial year, hence the Petitioner has claimed return on equity of fund received through PDF also in this petition.</p>
General		
1	PTCUL has not submitted that how it is adjusting various Short Term Open Access & Medium Term Open Access charges in the ARR. Same shall be submitted for the interests of the stakeholders.	PTCUL would like to submit that Short Term Open Access charges are being reflected under the non-tariff income and is being reduced in the ARR and no double recovery to that extent is being done by PTCUL, whereas the Medium Term Open Access charges, if any, will be refunded to UPCL in accordance to the relevant Open Access Regulations. PTCUL would also like to submit that the open access charges are being levied according to the Open Access Regulations notified by the Commission.





 SARAPAN KUMAR SHARMA
 DIRECTOR (TRANSMISSION)
 POWER TOOLS DIVISION
 U.P. TRANSMISSION CORPORATION

S. No.	Objections/Comments/Suggestions	Response
2	PTCUL should compensate the generators during the transmission system failure of the PTCUL and also it should mention all the reasons for any transmission/ grid failure along with prior intimation.	PTCUL would like to submit that the availability factor of its Transmission System for FY 2013-14 was 99.31% and for FY 2014-15 it was 99.33 %. PTCUL would also like to submit that the availability of its Transmission System has been one of the most efficient among the utilities in the country. PTCUL was awarded the prestigious "Gold Shield" for FY 2009-10 in the category of "Transmission System Availability" by Ministry of Power, Government of India. PTCUL would also like to submit that its loss levels for the past years have consistently been below 2%. PTCUL would also like to submit that there is a distinction between grid failure and small grid disturbances and there has been no incidence of grid failure in the past year.
3	RoE in equity received through Power Development Fund	<p>The issue of claiming RoE contributed by the Government of Uttarakhand was ruled in favour of PTCUL by the of Hon'ble Appellate Tribunal of Electricity) in its order dated 15th May 2015 in R.P. No. 2 of 2015 in Appeal No. 163 of 2015.</p> <p><i>"The Tribunal has upheld the findings of the State Commission in the impugned order but has not given any finding relating to disallowance of ROE on the funds deployed by the State Government from PDF towards capital cost of the project. We feel that the findings of this Tribunal in Appeal no. 189 of 2005 will be applicable to the present case. If the State Commission has not provided the amount as a grant and has invested the amount as equity, ROE has to be allowed as per the Regulations of the State Commission. Accordingly this issue is decided in favour of the Petitioner."</i></p> <p>Though the Hon'ble has stayed the order of the Hon'ble ATE., the Petitioner is in process of seeking clarification and removing stay on allowing return on equity</p>


 SHRI ANIL KUMAR SHARMA
 DIRECTOR GENERAL
 UTTARAKHAND ELECTRICITY
 REGULATORY COMMISSION
 DEPT. OF POWER, GOVT. OF INDIA
 CHANDIGARH

S. No.	Objections/Comments/Suggestions	Response
		on fund received through PDF. The Petitioner is hopeful of receiving the clarification and removing the stay in the current financial year.
4	Transfer scheme was notified on 31st May 2004 and till date, PTCUL has not finalized the transfer scheme for the assets between UPCL and PTCUL.	PTCUL would like to submit that the consultancy work for determining the appropriate assets/ liabilities for finalization of transfer scheme pertaining to transmission business is under process. Once completed, the report of the firm shall be submitted to the Government for notification.
5	PTCUL shall submit all the sources towards its non-tariff income. PTCUL shall also submit its all income details through the beneficiary Uttarakhand Power Corporation Limited (UPCL) towards the collection of various charges by it. As the UPCL is the sole beneficiary for collecting transmission charges of PTCUL including Open Access charges. PTCUL shall submit all the details of the amount collected by UPCL on its behalf and the income through open access charges.	PTCUL would like to submit that the details of all the sources of income have already been submitted to the Hon'ble commission through the financial documents of PTCUL. PTCUL would also like to submit that recovery from open access consumers are being reflected under the non-tariff income and is being reduced in the ARR and no double recovery to that extent is being done by PTCUL. PTCUL would also like to submit that the open access charges are being levied according to the Open Access Regulations notified by the Commission.
6	PTCUL has included the SLDC account at many places in its ARR submission. Hon'ble UERC is requested to ask PTCUL to bifurcate all SLDC expenses before truing-up of the ARR.	PTCUL would like to submit that the expenses incurred under SLDC are not reflected in the ARR of PTCUL since the same has been reduced from the overall ARR, as detailed in the petition.
7	PTCUL should also submit voltage wise losses in the ARR duly compensating the stakeholders using higher voltage level transmission system. Hon'ble UERC is requested to kindly ask the same from the petitioner to be included in its ARR	PTCUL would like to submit that the petition for the control period FY 2016-17 to FY 2018-19 is as per the UERC (Terms and Conditions of Multi-year Tariff) Regulations, 2015 and also that the loss levels for PTCUL are among the lowest across the country, consistently being below 2% for the past several years.


 SUDHAN KUMAR SHARMA
 DIRECTOR (REGULATIONS)
 UTTARAKHAND ELECTRICITY
 REGULATORY COMMISSION

2. PTCUL's comments on the response / suggestion received from Sh. Dalip Dua, Vice President (Publications), M/s Himalaya Power Producers Association, Dehradun Chapter, 12-D, Race Course, Dehradun on Multi-Year Tariff (MYT) Petition and Business Plan for the control period of three financial years from 01-04-2016 to 31-03-2019 along with tariff determination for FY 2016-17, true up for FY 2014-15 and annual performance review for FY 2015-16 by Power Transmission Corporation of Uttarakhand Limited.

S. No.	Objections/Comments/Suggestions	Response
1	<p>PTCUL has admitted in its ARR that UPCL is the sole beneficiary of the intra-state transmission network and accordingly, the total amount of aggregate revenue requirement determined by the Hon'ble UERC for PTCUL would be recovered in twelve monthly instalments from UPCL. This is in accordance with the Regulation 20 of the UERC (Terms and Conditions of Intra-State Open Access) Regulations, 2015 as UPCL is a deemed open access user and sole beneficiary of the entire intra-state transmission network. However, PTCUL, apart from recovering such transmission charges from UPCL is also illegally recovering monthly transmission charges from open access users in the State. This amounts to double recovery for the purposes of servicing the same asset, which is impermissible. Further, such monthly transmission charges are not being recovered only for the components of the network being utilized by the open access users, but for the entire PTCUL system. This is arbitrary and in violation of the Regulation 20 of the UERC (Terms and Conditions of Intra-State Open Access) Regulations, 2015 and Hon'ble UERC should not allow this.</p>	<p>PTCUL would like to submit that recovery from open access consumers are being reflected under the non-tariff income and is being reduced in the ARR and no double recovery to that extent is being done by PTCUL. PTCUL would also like to submit that the open access charges are being levied according to the Open Access Regulations notified by the Commission.</p>



SECRETARY
 POWER TRANSMISSION CORPORATION OF UTTARAKHAND LIMITED
 DEHRADUN