

MAHARASHTRA ELECTRICITY REGULATORY COMMISSION (TRANSMISSION OPEN ACCESS) REGULATIONS, 2016

Electricity Act, 2003

No. MERC//Tech/Open Access Transmission/Regulations/2016/01742.—In exercise of the powers conferred by sub-sections (1) and (2) of Section 181 read with sub-section (47) of Section 2, Section 30, Sub-section (3) of Section 32, clause (d) of sub-section (2) of Section 39 and clause (c) of Section 40 of the Electricity Act, 2003 (36 of 2003), the Maharashtra Electricity Regulatory Commission hereby makes the following Regulations for Open Access in the Intra-State Transmission System in Maharashtra.

Part A: PRELIMINARY

1. Short Title, Applicability and Commencement

- 1.1. These Regulations may be called the Maharashtra Electricity Regulatory Commission (Transmission Open Access) Regulations, 2016.
- 1.2. These Regulations shall apply for Open Access to and use of the Intra-State Transmission System in Maharashtra.
- 1.3. These Regulations shall come into force from the date of their publication in the Official Gazette.

2. Definitions

- 2.1. In these Regulations, unless the context otherwise requires:

- (1) “Act” means the Electricity Act, 2003 (36 of 2003), as amended from time to time;
- (2) “Allotted Capacity” means the power transfer in Mega Watts (‘MW’) between the specified point(s) of injection and point(s) of drawal allowed to a Long-

- term or Medium-term Open Access Consumer or Generating Station or a Distribution Licensee on the Intra-State Transmission System;
- (3) “Balancing and Settlement Code” means such Code as may be developed by the Maharashtra State Load Despatch Centre and approved by the Commission for the balancing of energy accounts and settlement of differences between energy scheduled and actual energy delivered among the users of the grid in Maharashtra;
- (4) “Bilateral transaction” means a transaction for exchange of energy between a specified buyer and specified seller(s), directly or through a Trading Licensee or a Power Exchange, for a fixed or variable quantum of power for any time period;
- (5) “Bulk Power Transmission Agreement” or “BPTA” means an agreement containing the terms and conditions under which a Transmission System User is entitled to access to an Intra-State Transmission System;
- (6) “Central Commission” or “CERC” means the Central Electricity Regulatory Commission;
- (7) “Collective Transaction” means a set of transactions discovered in a Power Exchange through anonymous, simultaneous competitive bidding by buyers and sellers;
- (8) “Commission” or “MERC” means the Maharashtra Electricity Regulatory Commission;
- (9) “Congestion” means a situation where the demand for transmission or distribution capacity exceeds the available transfer capacity;
- (10) “Connection Agreement” means an agreement to be entered into, upon approval of grant of Connectivity, between a Transmission Licensee and Generating Station, including a captive generating plant, or a Consumer or a Transmission Licensee or a Distribution Licensee, as the case may be;
- (11) “Connectivity” in relation to a Generating Station, including a captive generating plant, a Consumer or a Licensee, means the state of getting connected to the Intra-State Transmission System;
- (12) “Consumer” shall carry the same meaning as in the Act, but shall be restricted to such consumers within Maharashtra;

- (13) “Contract demand” means the demand in kilovolt ampere (‘KVA’) or Megavolt ampere (‘MVA’), as mutually agreed between the Distribution Licensee and the Consumer,-
- (i) in the agreement for supply of electricity; or
 - (ii) through other written communication:

Provided that unity power factor shall be considered for the purpose of unit conversion from MVA/kVA to MW/kW;

- (14) “Day” means the day starting at 00:00 hours and ending at 24:00 hours;
- (15) “Indian Electricity Grid Code” means the Code specified by the Central Commission under clause (h) of sub-section (1) of Section 79 of the Act;
- (16) “Intra-State Transmission System” means the Transmission System within Maharashtra;
- (17) “Long-term Open Access” or “LTOA” means the right to use the Intra-State Transmission System for a period exceeding twelve years but not exceeding twenty-five years;
- (18) “Medium-term Open Access” or “MTOA” means the right to use the Intra-State Transmission System for a period exceeding three months but not exceeding three years;
- (19) “Month” means a calendar month;
- (20) “Nodal Agency” means the agency specified in Regulation 8;
- (21) “Open Access” shall have the same meaning as in sub-section (47) of Section 2 of the Act;
- (22) “Renewable Energy” means the grid quality electricity generated from renewable energy sources as may be defined in the Commission’s Orders and Regulations governing renewable energy;
- (23) “Short-term Open Access” or “STOA” means the right to use the Intra-State Transmission System for a period not exceeding one month at a time;
- (24) “Maharashtra State Load Despatch Centre” or “MSLDC” means the State Load Despatch Centre established in Maharashtra under subsection (1) of Section 31 of the Act;
- (25) “Special Energy Meter” or “SEM” means meters installed in accordance with the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, as amended from time to time;

- (26) "State Grid Code" means the Code specified by the Commission under clause (h) of sub-section (1) of Section 86 of the Act;
- (27) "Stranded transmission capacity" means the transmission capacity in the Intra-State Transmission System which is likely to remain unutilised due to relinquishment of access rights by a Long-Term Open Access Consumer in accordance with Regulation 27;
- (28) "Supply Agreement" means the agreement for supply of electricity between the Supplier(s) and Consumer(s) or person(s) on such terms and conditions (including tariff) as may be agreed between the parties;
- (29) "Transmission Capacity Right" means the right of a Transmission System User to transfer electricity in MW, under normal circumstances, between such points of injection and drawal as may be set out in the Bulk Power Transmission Agreement;
- (30) "Time Block" means the time block of 15-minute each for which Special Energy Meters record specified electrical parameters and quantities, with the first such period starting at 00:00 hours;
- (31) "Working Day" means a day on which banks are open for business.

2.2. Words and expressions used herein and not defined in these Regulations but defined in the Act or Indian Electricity Grid Code or the State Grid Code or the Electricity Supply Code or the Rules and other Regulations made under the Act, as the case may be, shall have the meaning assigned to them therein.

3. Eligibility to seek Open Access

Subject to the provisions of these Regulations,

- a) a Generating Company which owns or operates or intends to own or operate a Generating Station in Maharashtra;
- b) a Consumer eligible for Open Access in accordance with the Regulations of the Commission governing Distribution Open Access;
- c) a Distribution Licensee; and
- d) a Trading Licensee;

shall be eligible to apply for Open Access to the Intra-State Transmission System:

Provided that the grant of Open Access in respect of the Intra-State Transmission System shall be subject to the grant of Connectivity under these Regulations;

Provided further that an eligible entity except a Trading Licensee, may apply for Connectivity and Long-term or Medium-term Open Access simultaneously;

Provided also that a person who is for the time being not a Consumer and whose premises are not connected with the works of a Licensee for the purpose of receiving electricity shall also be eligible to seek grant of Connectivity and to seek grant of Open Access to the Intra-State Transmission System under these Regulations.

4. Transmission System User

- 4.1. A User of an Intra-State Transmission System of a Transmission Licensee on the date of notification of these Regulations shall be deemed to be a Transmission System User of such Intra-State Transmission System:

Provided that a User who has been granted Long-term or Medium-term Open Access of an Intra-State Transmission System of a Transmission Licensee, including a deemed Intra-State Transmission System User, shall enter into a BPTA with the Transmission Licensee(s) and the State Transmission Utility ('STU').

- 4.2. A Long Term Transmission System User shall be deemed to have Transmission Capacity Rights in an Intra-State Transmission System equivalent to the total generation capacity contracted:

Provided that the duration of such Transmission Capacity Rights as on the date of notification of these Regulations shall be the remainder of the period of the contract or arrangement under which such generating capacity is procured by the Transmission System User.

Part B: CONNECTIVITY**5. Grant of Connectivity**

- 5.1. A Consumer having a load of 5 MW or more and a Generating Station having a capacity of 5 MW or more shall be eligible to obtain Connectivity to the Intra-State Transmission System:

Provided that a Generating Station with an installed capacity below 5 MW may also obtain Connectivity to the Intra-State Transmission System if it is technically feasible;

Provided further that the STU shall grant Connectivity to a Generating Station which is being connected to an Extra High Voltage ('EHV') sub-station through a dedicated feeder emanating from such sub-station irrespective of voltage level and capacity;

Provided also that such connecting feeder above 33 KV would be a part of the transmission lines as defined in Section 2(72) of the Act.

For the purpose of unit conversion from MVA/kVA to MW/kW, the unity power factor shall be considered.

- 5.2. The application for Connectivity shall be accompanied by a Demand Draft or proof of payment by electronic mode of a non-refundable fee of the following amount, or such other amount as may be stipulated by the Commission:

Application Type	Application Fee
All except Renewable Energy based Generators	Rupees Two Lakh
Renewable Energy based Generators	Rupees One Lakh

- 5.3. The Applicant shall apply to the STU for Connectivity in the Form provided at Annexure I:

Provided that the STU shall provide on its internet website, in downloadable form and within thirty days from the notification of these Regulations, the relevant application forms, Agreement formats, and the particulars, documents and fees required for applying for Connectivity or Open Access to the Intra-State Transmission System;

Provided further that, where an application has been made but there has been a material change in the location of the Applicant or a change of more than ten percent in the quantum of power to be interchanged with the Intra-State Transmission System before the grant of Connectivity, the Applicant shall make a fresh application which shall be considered in accordance with these Regulations;

Provided that any existing Open Access arrangements shall continue till such fresh Application is disposed of.

6. Processing of Application for Connectivity

- 6.1. Upon receipt of the application, the STU shall carry out the inter-connection study as specified in the relevant Regulations of the Central Electricity Authority governing technical standards for Connectivity to the Grid.
- 6.2. While granting Connectivity, the STU shall indicate the name of the sub-station or switchyard where Connectivity is to be granted, the design features such as switchyard and interconnection facility upto the point of injection into the sub-station, and the period required to complete additional work, if any.
- 6.3. The Applicant, the STU and Transmission Licensee shall comply with the technical standards for Connectivity to the grid specified by the Central Electricity Authority.
- 6.4. The Applicant (not including a Trading Licensee), STU and Intra-State Transmission Licensee shall sign a tripartite Connection Agreement upon grant of Connectivity, a copy of which the STU shall provide to the MSLDC:

Provided that the STU shall provide the format of Connection Agreement on its website within 30 days from the notification of these Regulations.

- 6.5. The grant of Connectivity shall not by itself entitle an Applicant to interchange any power through Open Access unless it obtains approval for Open Access in accordance with these Regulations.
- 6.6. A Generating Station which has been granted Connectivity to the Intra-State Transmission System shall be permitted by MSLDC, subject to grid security considerations, to undertake testing, including full-load testing, by injecting infirm power into the grid before its commercial operation and prior to availing Open Access.
- 6.7. The charges for testing and tariff of such infirm power from a Generating Station, other than one based on Renewable Energy, shall be as specified in the Regulations of the Commission governing Multi-Year Tariff:

Provided that the power injected into the grid on account of such testing from a Generating Station for which tariff has not been determined by the Commission shall be the lower of the following:

- a) the rate for imbalance as applicable under a system or mechanism approved by the Commission under the Intra-State Balancing and Settlement Code; or
 - b) the average variable cost of long-term power purchase as approved by the Commission in the prevailing Tariff Order in respect of the Distribution Licensee to whom the Generating Station intends to sell power.
- 6.8. The Generating Station or Unit which has been granted Connectivity to the Intra-State Transmission System shall be permitted by the MSLDC and the Transmission Licensee to inject such infirm power into the grid, before its commercial operation, for a period not exceeding six months from the date of its first synchronization:

Provided that, for the purposes of these Regulations, the Transmission Licensee may allow extension of the period for testing, including full load test, and

consequent injection of infirm power by the Station or Unit, beyond six months, in exceptional circumstances on an application made by the Generating Company at least two months before the end of the six month period;

Provided further that the Generating Station shall provide such information as may be required to satisfy the Transmission Licensee, STU and MSLDC that injection of infirm power prior to commercial operation is solely for the purpose of testing and commissioning;

Provided also that, before injecting infirm power, the Generating Station shall enter into an agreement with the Distribution Licensee to supply such power, in the absence of which there shall be no charge for such infirm power injected into the grid, and it shall be credited to the Distribution Licensee to whom the Generating Station is connected under the provisions of the Intra-State Balancing and Settlement Mechanism operating in Maharashtra.

- 6.9. The STU shall convey its decision on grant of Connectivity or otherwise within thirty days from the receipt of an application complete in all respects:

Provided that the STU may reject an application, stating the reasons for such rejection, after giving the Applicant an opportunity to represent against the proposed rejection;

Provided also that a Generating Station already connected to the Intra-State Transmission System or for which Connectivity has been granted under a pre-existing arrangement shall not be required to apply for Connectivity for the same capacity;

Provided also that, in case of enhancement of capacity of the Generating Station, a fresh application shall be made for the grant of Connectivity in accordance with these Regulations.

- 6.10. Revision or otherwise of the Contract Demand of the Consumer shall be in accordance with the Commission's Regulations governing Distribution Open Access.

Part C: APPLICATION PROCEDURE AND APPROVAL

7. Categories of Open Access

- 7.1. The application procedure and fees, and the time-frame for processing Applications shall be based on the inter-se location of drawal and injection points,-
- within Maharashtra;
 - in other States.
- 7.2. The nature and periods for which Open Access of the Intra-State Transmission System may be sought shall be as categorised below:

Open Access Category	Duration
Long-term Open Access	Exceeding twelve years but not exceeding twenty five years
Medium-term Open Access	Exceeding three months but not exceeding three years
Short-term Open Access	Not exceeding one month

Provided that, for a period between three years and twelve years, the Applicant may seek Medium-term Open Access for a maximum period of three years at a time.

8. Nodal Agency and Application procedure for Open Access

- 8.1. An Application for Open Access shall be made in the prescribed Form to the Nodal Agency along with the Application fees and other charges of the amounts specified in Regulation 8.3, or such other amounts as may be stipulated by the Commission from time to time:

Provided that the time periods specified in Regulations 9, 10 and 11 shall be applicable from the date of submission of an Application which is complete in all respects.

8.2. Nodal Agency

- 8.2.1. The Nodal Agency for grant of Connectivity, Long-term Open Access and Medium-Term Open Access to the Intra-State Transmission System shall be the STU:

Provided that the STU shall provide on its website the name, designation and contact details of the nodal officer who will be the single point of contact for all Open Access and Connectivity related matters in accordance with these Regulations.

- 8.2.2. The Nodal Agency for grant of Short-term Open Access to the Intra-State Transmission System shall be the MSLDC:

Provided that the MSLDC shall provide on its website the name, designation and contact details of the nodal officer who will be the single point of contact for all Open Access and Connectivity related matters in accordance with these Regulations.

- 8.2.3. The Nodal Agency for grant of Connectivity and Open Access to the Inter-State Transmission System shall be as specified by the Central Commission.

- 8.3. Notwithstanding anything contained in Regulations 9 to 11, the procedure for applying for Inter-State Open Access shall be as per the Central Commission's Regulations:

Provided that, in the case of a Consumer connected to a Distribution System who seeks Inter-State Open Access, the MSLDC shall, before giving its consent to the Regional Load Despatch Centre ('RLDC') as required under the Central Commission's Regulations, obtain the consent of the Distribution Licensee concerned in accordance with Regulation 12.

- 8.4. The Nodal Agency and documents to accompany the application seeking Transmission Open Access shall be as specified in the Table below:

Consumer or Generating Station or Distribution Licensee seeking Transmission Open Access					
S. No.	Period	Injection Point	Drawal Point	Nodal agency	Documents to accompany the application
1	Short-Term Open Access	Within Maharashtra	Within Maharashtra	MSLDC	Copy of Supply Agreement
2		Within Maharashtra	Outside Maharashtra	RLDC of the Region where Consumer is located	Consent from MSLDC and Distribution Licensee(s), as may be applicable, and other requirements of Central Commission Regulations

Consumer or Generating Station or Distribution Licensee seeking Transmission Open Access					
S. No.	Period	Injection Point	Drawal Point	Nodal agency	Documents to accompany the application
3		Outside Maharashtra	Within Maharashtra	RLDC	Consent from MSLDC and Distribution Licensee(s), as may be applicable, and other requirements of Central Commission Regulations
4		At Transmission System within Maharashtra and selling power to Power Exchange	-	MSLDC	Power Exchange-related documents, copy of latest electricity bill of Consumer
5		-	At Transmission System within Maharashtra and opting to avail power supply from Power Exchange	MSLDC	Power Exchange-related documents, copy of latest electricity bill of Consumer
6	Medium-Term Open Access	Within Maharashtra	Within Maharashtra	STU	Copy of Supply Agreement
7		Within Maharashtra	Outside Maharashtra	CTU	Copy of Supply Agreement, consent from concerned SLDCs and Distribution Licensee as applicable, and any other requirements of Central Commission Regulations
8		Outside Maharashtra	Within Maharashtra	CTU	Copy of Supply Agreement, consent from concerned SLDCs and Distribution Licensee as applicable, and any other requirements of Central Commission Regulations
9	Long -Term Open Access	Within Maharashtra	Within Maharashtra	STU	Bank Guarantee, copy of Supply Agreement
10		Within Maharashtra	Outside Maharashtra	CTU	Bank Guarantee, copy of Supply Agreement, consent from concerned STU and Distribution Licensee as applicable
11		Outside Maharashtra	Within Maharashtra	CTU	Bank Guarantee, copy of Supply Agreement, consent from concerned STU and Distribution Licensee as applicable

Provided that the fees shall be payable in accordance with the Schedule of Charges approved by the Commission from time to time.

8.5. The Application shall also be accompanied by the following documents, where applicable:

- Consent from the Seller if a Buyer is the Applicant, or consent from the Buyer if Seller is the Applicant

- Copy of Supply Agreement
- Copy of Trading Licence
- Copy of relevant documents (registration / membership details, member – client agreement, etc.) if power is sought through a Power Exchange
- Copy of Memorandum of Association and Chartered Accountant's certificate of shareholding pattern, if power is for captive use
- Proof of payment of Application fee
- Special Energy Meter ('SEM') commissioning certificate, if already installed

- 8.6. The STU and the concerned Distribution Licensee shall jointly conduct testing of metering equipment and accessories for installation of SEM and Current Transformer ('CT') / Potential Transformer ('PT') with the required specifications before commencement of Open Access.
- 8.7. In case of Open Access for power from a Captive Generating Plant, the Consumer, Generating Station or Trading Licensee, as the case may be, shall inform the Nodal Agency, within ten days, of any change in the captive status resulting in applicability of Cross-Subsidy Surcharge.
- 8.8. Where a Consumer connected to the Transmission System seeks Intra-State Transmission Open Access, any charges payable to the concerned Distribution Licensee shall be paid by the Consumer to the Distribution Licensee in whose Licence area he is located.
- 8.9. Notwithstanding anything contained in these Regulations, the provision of Open Access under these Regulations shall be subject to settlement of all dues of the STU, MSLDC, Distribution Licensee and Transmission Licensee from whom Connectivity has been obtained:

Provided that, where there is a dispute regarding such dues, the Applicant shall, pending its resolution, be allowed Open Access upon deposit of the disputed amount with the concerned entity in accordance with Section 56 of the Act;

Provided further that interest at a rate equivalent to the Bank Rate of the Reserve Bank of India shall be paid to the Applicant on the portion of the deposit that is returned to it upon resolution of the dispute.

- 8.10. The Supply Agreement to be furnished along with the Application shall also indicate the fixed and variable charge or composite charge for power supply so as to enable the MSLDC to operate its Merit Order Despatch.
- 8.11. The Nodal Agency shall grant Medium-term Open Access or Short-term Open Access if the resultant power flow can be accommodated in the existing Transmission System or the Transmission System under execution.
- 8.12. The Nodal Agency shall provide the facility of on-line submission of Applications for Connectivity and Open Access within ninety days from the notification of these Regulations.

9. Procedure for Long-term Open Access involving only the Intra-State Transmission System

The procedure for Long-term Open Access involving only the Intra-State Transmission System shall be in accordance with the provisions set out below

- 9.1. An Application to the Nodal Agency for grant of Long-term Open Access shall be made in the Form provided at Annexure-III:

Provided that, where augmentation of the Transmission System is likely to be required for grant of Open Access but the quantum of power to be injected and drawn has not been finalised, the Applicant shall communicate the expected quantum of such power on an indicative basis;

Provided further that the specific source of supply or destination of off-take, as the case may be, shall be intimated to the Nodal Agency at least three years prior to the intended date of availing Long-term Open Access, or such other period estimated

by the Nodal Agency as required for augmentation of the Transmission System, whichever is lesser;

Provided also that, where there is any change in the location of either the drawal point or the injection point or an increase of more than ten percent in the quantum of power for Open Access using the Intra-State Transmission System, a fresh Application shall be made.

9.2. Bank Guarantee

(a) A Bank Guarantee, in favour of the Nodal Agency, for the following amounts, or such other amounts as may be stipulated by the Commission, shall accompany the Application; and an additional Bank Guarantee shall be required before the start of construction:

Application Type	Bank Guarantee Amount per MW of Open Access
All except Renewable Energy- based transactions	Rs 10,000/- (Rupees Ten thousand)
Renewable Energy- based transactions	Rs 5,000/- (Rupees Five thousand)

(b) The Bank Guarantee shall be kept valid and subsisting till

- the execution of the BPTA, where augmentation of the Transmission System is required; or
- till operationalisation of Long-term Open Access, where augmentation of the Transmission System is not required.

(c) The Bank Guarantee shall be returned to the Applicant within fifteen days

- of signing of the BPTA, or
- of rejection of the Application.

(d) The Bank Guarantee may be encashed by the Nodal Agency

- if the application for Open Access is withdrawn by the Applicant, or

- if the Long-term Open Access rights are relinquished prior to the operationalisation of such rights, where augmentation of the Transmission System is not required; or
 - upon failure to furnish an additional Bank Guarantee before the construction phase, where augmentation of the Transmission System is required to be undertaken by the STU or Transmission Licensee.
- 9.3. Upon receipt of an Application, the Nodal Agency shall obtain all the permissions and clearances required from the Distribution Licensees, MSLDC, Transmission Licensees and other agencies.
- 9.4. The Nodal Agency shall convey its decision on the grant of Long-term Open Access within 120 days where augmentation of the Transmission System is not required, or within 180 days otherwise.
- 9.5. Based on the system study, the Nodal Agency shall indicate the Intra-State Transmission arrangement, including any augmentation that may be required, for providing Long-term Open Access, and shall communicate to the Applicant the date from which such Open Access shall be granted and the charges applicable.
- 9.6. The Applicant, STU and the Transmission License shall thereafter enter into a BPTA for Long-term Open Access in accordance with these Regulations.
- 9.7. Immediately after grant of Long-term Open Access, the Nodal Agency shall inform the MSLDC so that it is taken into consideration while processing requests for scheduling of power received under the BPTA.
- 9.8. Upon expiry of the period of Long-term Open Access, the Consumer, Generating Company or Licensee, as the case may be, shall not be entitled to priority in its renewal.

- 9.9. No application shall be rejected by the Nodal Agency without communicating the reasons in writing, including by electronic means.
- 9.10. The STU shall provide on its internet website a model BPTA within thirty days from the notification of these Regulations.

10. Procedure for Medium-term Open Access involving only the Intra-State Transmission System

The procedure for Intra-State Medium-term Open Access involving the Intra-State Transmission System shall be in accordance with the provisions set out below

- 10.1. An Application to the Nodal Agency for grant of Medium-term Open Access shall be made in the form provided in Annexure-III.
- 10.2. The Application shall be made to the Nodal Agency between 3 months to 12 months prior to the intended commencement of Open Access.

Illustration: Application for grant of Open Access commencing from 1st August, 2016 shall be made at any time between 1st August, 2015 and the last day of April, 2016;

- 10.3. Upon receipt of the Application, the Nodal Agency shall obtain all the permissions and clearances required from the Distribution Licensees, MSLDC, Transmission Licensees and other agencies.
- 10.4. The Nodal Agency shall convey its decision to grant or refuse Open Access within 60 days, including by electronic means.
- 10.5. Upon being satisfied that the requirements under Regulation 8 are met, the Nodal Agency shall grant Medium-term Open Access for the period stated in the Application:

Provided that, for reasons to be communicated in writing, including by electronic means, the Nodal Agency may grant Medium-term Open Access for a period less than that sought by the Applicant.

- 10.6. The Applicant, STU and the Transmission Licensee shall thereafter enter into a BPTA in accordance with these Regulations.
- 10.7. Immediately after grant of Medium-term Open Access, the Nodal Agency shall inform the MSLDC so that it is taken into consideration while processing requests for scheduling of power received under the BPTA.
- 10.8. Upon expiry of the period of the Medium-term Open Access, the Consumer, Generating Company or Licensee, as the case, may be shall not be entitled to priority in its renewal.
- 10.9. No Application shall be rejected by the Nodal Agency without communicating the reasons in writing, including by electronic means.

11. Procedure for Short-term Open Access involving only the Intra-State Transmission System

The procedure for Short-term Open Access on the Intra-State Transmission System shall be in accordance with the provisions set out below

11.1. Open Access in advance, other than Day-Ahead Open Access

- a) An Application seeking Short-term Open Access shall be made to the Nodal Agency, who shall send a copy, including by electronic means immediately to the Distribution Licensee(s) in whose area the Generation Station and/or Consumer is situated.

- b) The Application may be made up to four months prior to the month of commencement of Short-term Open Access, but not later than the tenth day of the preceding month.

Illustration: An Application for Short-term Open Access for the month of August shall be submitted between 1st April and 10th July.

- c) A separate Application shall be made for each month; and for each transaction in a month in case the injection or drawal point(s) are different:

Provided that a Captive Generating Company may make a single Application with a single injection point and multiple drawal points.

All Applications received till the tenth day of the month shall be treated as having been received at the same time.

On receipt of the Application for Open Access, the Nodal Agency shall obtain all the permissions and clearances from the Distribution Licensees, STU and other agencies, as may be required, for the Open Access transaction.

- d) The decision of the Nodal Agency in respect of any perceived congestion shall be final and binding.
- e) In case the Nodal Agency anticipates congestion, it may invite electronic bids as per the Bidding Procedure for advance scheduling after the last date for submission of Applications.

f) Bidding Procedure

- i. The Nodal Agency shall convey to the Applicants the details regarding such congestion and its decision to invite bids, indicating the floor price in the format provided in Annexure II [Format-ST3];

- ii. The Nodal Agency shall also display the bidding information on its internet website;
- iii. The floor price of Transmission Charges determined on the basis of the relevant Orders of the Commission shall be indicated in the format provided in Annexure II [Format-ST3];
- iv. The Bids shall be accepted in the format provided at Annexure II [Format ST4] up to the bid closing time as indicated in the bidding invitation [Format-ST3];
- v. No modification to a Bid, once submitted, shall be entertained;
- vi. The Application of an Applicant who does not participate in the bidding process shall be deemed to have been withdrawn;
- vii. The Nodal Agency shall not entertain any request for extension of time for submission of Bids;
- viii. The Bidders shall quote their price (rounded-off to a whole number) in the denomination in which the floor price has been determined;
- ix. The quoted prices shall be arranged serially in descending order, and the allocation of available capacities shall be accorded in such order until the capacities are exhausted;
- x. If the same price is quoted by two or more Applicants, the allocation from any residual available capacity shall be made in proportion to the capacity being sought by them;
- xi. All Applicants in whose favour full capacities have been allotted, shall pay the highest price obtained in the bidding process;

- xii. Applicants who are allotted less capacity than that applied for shall pay the price as quoted by them in the bidding process;
 - xiii. The Nodal Agency shall reject bids which are incomplete, vague or not in conformity with the bidding procedure;
 - xiv. The successful Bidders in favour of whom the capacities have been allocated shall pay Transmission Charges and/or Wheeling Charges, as determined in the bidding process.
- g) The Nodal Agency shall convey grant of Open Access or otherwise in the format provided at Annexure-II [Format-ST2], along with the schedule of required payments, to the Applicant within ten working days.
 - h) The Application Form for grant of Short-term Open Access is provided at Annexure-II [Format ST-1].
 - i) No application shall be rejected by the Nodal Agency without communicating the reasons in writing, including by electronic means.

11.2. Day-Ahead Open Access

- a) Day-ahead Open Access shall be permitted if surplus capacity is available in the Transmission System.
- b) An Application for grant of Day-Ahead Open Access shall be made to the Nodal Agency only one day prior to the date of scheduling, up to 12:00 Hours; and all such Applications shall be treated as having been received at the same time and shall have the same priority.

Illustration: An Application for Day-Ahead transaction on 15th August shall be received only on 14th August up to 12:00 hours.

Provided that any Application received after 12:00 hours of the day immediately preceding the date of scheduling or on the day of scheduling shall be considered in case of contingency of the Application, and the fee for such contingency Applications shall be five times the otherwise applicable Application fees.

- c) The Nodal Agency shall check for congestion and convey grant of approval or otherwise in the format provided in Annexure- II [Format-ST2] by 14:00 Hours of the day preceding the date of scheduling of the transaction.
 - d) All other provisions regarding Applications for Short-term Open Access shall apply to Applications for Day-Ahead Open Access;
 - e) No Application shall be rejected by the Nodal Agency without communicating the reasons in writing, including by electronic means.
- 11.3. The capacity reserved by a Short-term Open Access Consumer, Generating Station or Licensee, as the case may be, shall not be transferable.
- 11.4. Upon expiry of the period of Short-term Open Access, the Consumer, Generating Station or Licensee, as the case may be, shall not be entitled to any priority in its renewal.
- 11.5. Non-utilisation of Short-term Open Access**
- a) If the Consumer, Generating Company or Licensee, as the case may be, is unable to utilise for more than four hours the full or a substantial part of its allocated capacity, it shall inform the Nodal Agency, and may surrender the use of such capacity but shall pay Transmission Charges applicable to the original reserved capacity and period:

Provided that, if the Nodal Agency is able to re-allocate this capacity, the entity who has surrendered the capacity shall be refunded the Transmission based on the amount and period of the reallocated capacity by the Nodal Agency.

- b) The Nodal Agency may cancel or reduce the capacity allocated, to the extent that it is under-utilised after giving notice to the affected parties;
- i. when such capacity is under-utilised for more than three days; or
 - ii. the Consumer, Generating Company or Licensee, as the case may be, fails to inform the STU or MSLDC of its inability to utilise the allocated capacity.
- c) The surplus capacity becoming available as a result of such surrender or cancellation of capacity may be allocated to any other Short-term Open Access Applicant in the serial order of pending Applications.

12. Consent by STU, MSLDC or Distribution Licensee

12.1. Inter-State Open Access

The STU in the case of Application for Long-term and Medium-term Open Access, and the MSLDC in the case of Short-term Open Access, shall convey its consent or otherwise in accordance with the provisions of the Central Commission governing the grant of Connectivity and Open Access in Inter-State Transmission:

Provided that, in case the Applicant is a Consumer of a Distribution Licensee, that Distribution Licensee shall convey its consent or rejection considering the factors set out in Regulation 12.2 within

- Seven working days of the receipt of the request of the Applicant, in case of Short-term Open Access; or
- Ten working days of such receipt, in case of Medium-term and Long-term Open Access.

12.2. Intra-State Open Access :

- (a) While processing an Application seeking consent for Open Access, the Nodal Agency shall verify the availability of
- (i) infrastructure necessary for time-block-wise energy metering and accounting in accordance with the provisions of the State Grid Code; and
 - (ii) capacity in the Intra-State Transmission System;
 - (iii) Copy of the Power Purchase Agreement stating power purchase rate;
 - (iv) Seller or Buyer consent, as the case may be;
 - (v) Consent for Distribution Open Access obtained by the Nodal Agency from the concerned Distribution Licensee(s);
 - (vi) In case of a Generating Station, real-time visibility at the MSLDC;
 - (vii) In case of a Generating Station, the Date of Commercial Operation ('COD') prior to commencement of Open Access.
- (b) The Nodal Agency shall communicate any deficiency in the Application within two working days of its receipt.
- (c) If the Application is found to be in order but the Nodal Agency refuses to give consent, such refusal shall be communicated, with reasons, to the Applicant within three working days from its receipt, including by electronic means.
- (d) If the Applicant is a Consumer of a Distribution Licensee, the Nodal Agency shall seek consent from that Distribution Licensee for Open Access, which shall convey its consent or rejection within
- Five working days of the receipt of the request of the Applicant, in case of Short-term Open Access;
 - Ten working days of such receipt, in case of Medium-term and Long-term Open Access.

13. Allotment priority

- 13.1. Except in case of Short-term Open Access, where capacity is available in the Intra-State Transmission System the Nodal Agency shall consider applications for Open Access on a 'first come, first served' basis.
- 13.2. Where two or more Applications are received on the same day, their priority shall be in accordance with the Table below:

Priority for grant of Open Access	Allotment
Priority 1 – Highest Priority	Distribution Licensee (irrespective of whether Open Access sought is for Long-term, Medium-term or Short-term)
Priority 2	Other Long-term Open Access Applicants
Priority 3	Other Medium-term Open Access Applicants
Priority 4 – Lowest Priority	Other Short-term Open Access Applicants

Provided that two or more Applications for the same duration of Open Access received on the same day shall be treated *pari passu* for allotment and, if the available capacity is insufficient to accommodate all Applications, the Applicants shall be allotted shares in the available capacity proportionate to the capacities applied for;

Provided further that, when the quantum of STOA applied for is more than the available capacity, the Nodal Agency shall follow the procedures specified in Regulation 11.

- 13.3. The Nodal Agency shall provide on its internet website, within thirty days from the notification of these Regulations and in downloadable format, the information requirements, guidelines, Connection Agreement and model Bulk Power Transmission Agreement:

Provided that the formats of the Agreements issued under the Maharashtra Electricity Regulatory Commission (Transmission Open Access) Regulations, 2014 shall continue to be used till such time as the new formats under these Regulations are issued or uploaded, and any inconsistency between them and the

provisions of these Regulations shall be harmoniously construed for their purposive application.

Part D: OPEN ACCESS CHARGES

14. Transmission Charges

- 14.1. A Transmission System User shall pay the following charges to the Nodal Agency:
- (a) For use of the Inter-State Transmission System – As stipulated by the Central Commission from time to time;
 - (b) For use of the Intra-State Transmission System – As stipulated by the Commission from time to time.
- 14.2. A Transmission System User shall not be entitled to refund of the Transmission Charges paid for capacity rights not utilised by it.
- 14.3. The charges for the use of the Intra-State Transmission System shall be determined and settled monthly.
- 14.4. The bill for the charges for the preceding month shall be served by the STU by the tenth day of each month.
- 14.5. A Transmission System User availing Open Access shall also be liable to pay an additional Regulatory Charge at the rate of twenty-five percent of the Transmission Charges for the use of an Intra-State Transmission System in excess of its Transmission Capacity Rights.
- 14.6. A Consumer who has a supply contract with a Distribution Licensee but is connected to the Intra-State Transmission System shall also be liable to pay Cross Subsidy Surcharge and Additional Surcharge, as may be applicable.

- 14.7. The Nodal Agency shall pay the applicable Transmission Charges collected for Short-term Open Access to the STU within seven days of their collection from the Open Access Consumer, Generating Station or Licensee, as the case may be.
- 14.8. Without prejudice to any other action under the Act or any other Regulation thereunder to which it may be liable, the Nodal Agency shall be liable to pay a late payment surcharge on any delayed payment at the rate specified in the Commission's Regulations governing Multi-Year Tariff determination.

15. Scheduling and system operation charges

Scheduling and System Operation Charges shall be payable by the Transmission System Users availing Open Access at the rates set out below.

15.1. For Inter-State Open Access:

- a) RLDC Fees and Charges as stipulated by the Central Commission under Section 28(4) of the Act;
- b) MSLDC Fees and Charges as stipulated by the Commission under sub-section (3) of Section 32 of the Act.

15.2. For Intra-State Open Access:

The MSLDC fees and charges payable by the Distribution Licensee shall be shared by the Transmission System Users availing Long-term and Medium-term Open Access in the ratio of scheduled demand of Open Access sought to the total demand of Distribution Licensee on a pro-rata basis:

Provided that the scheduling and other operating charges approved by the Commission shall be levied for Transmission System Users availing Short-term Open Access;

Provided further that any other methodology for levying MSLDC fees and charges that may be approved by the Commission from time to time through separate Order or any other Regulations shall be applicable.

Part E: SCHEDULING, METERING, REVISION AND LOSSES

16. Scheduling

- 16.1. The scheduling of Inter-State Open Access transactions shall be in accordance with the provisions of the Indian Electricity Grid Code.
- 16.2. Intra-State Open Access transactions in respect of Consumers with load of 1 MW or more and all Generating Stations irrespective of their capacity shall be scheduled by MSLDC in accordance with the State Grid Code:

Provided that a Partial Open Access Consumer of a Distribution Licensee shall submit its schedule to the Distribution Licensee instead of the MSLDC.

- 16.3. A Renewable Energy Generating Plant identified as 'non-firm power' under the Commission's Regulations governing Renewable Energy Tariff shall be exempted from scheduling till such time as the Commission stipulates or specifies otherwise.

17. Metering and Communication

- 17.1. All Open Access Consumers and Generating Stations irrespective of their capacity shall install Special Energy Meters ('SEM's):

Provided that the Open Access Consumers or Generating Stations may request the STU to install such SEMs at the cost of such Consumer or Generating Station.

- 17.2. The Transmission System Users, STU and MSLDC shall abide by the metering standards set by the Central Electricity Authority:

Provided that all the interface points and metering points in the Intra-State Transmission System shall comply with the Metering Code referred to in the State Grid Code;

Provided further that interface and metering points which are not defined in the Metering Code shall be as stipulated by the MSLDC to facilitate energy accounting;

Provided that any existing or prospective Consumer who has not sought Open Access but desiring it shall have the option to install such SEM at his premises.

17.3. Users availing full Transmission Open Access shall provide all metering data required by MSLDC.

17.4. All Users availing full Transmission Open Access and Generating Stations connected to the Transmission System shall install at their cost Remote Terminal Units ('RTU') –DC within six months from the notification of these Regulations, in accordance with specifications provided by the STU; and MSLDC shall verify their installation for real time monitoring;

Provided that the RTU-DCs shall be available for inspection by the STU or the MSLDC;

Provided further that the Transmission Open Access Consumer availing Long-term Open Access shall provide or bear the cost of real-time communication requirements stipulated by the Nodal Agency and/or MSLDC.

18. Energy Losses

18.1. Inter-State Transmission:

a) Long-term Open Access and Medium-term Open Access: The Open Access buyer of electricity shall bear the apportioned losses in the Transmission System

estimated by the Regional Power Committee ('RPC') in accordance with the provisions made by the Central Commission.

- b) Short-term Open Access: The Open Access buyer and seller of electricity shall bear the apportioned energy losses in the Transmission System estimated by the RLDC and SLDC concerned in accordance with the provisions made by the Central Commission.

18.2. *Intra-State Transmission:*

The buyer of electricity shall bear the approved Intra-State Transmission losses determined by the Commission from time to time:

Provided that the energy settlement shall be based on the normative loss in the Intra-State Transmission System.

Part F: IMBALANCE AND REACTIVE ENERGY CHARGES

19. Imbalance Charge

- 19.1. *Scheduling of transactions:* Scheduling of transactions pursuant to grant of Open Access shall be undertaken on a Day-Ahead basis in accordance with the Indian Electricity Grid Code in case of Inter-State transactions, and in accordance with the State Grid Code or relevant Orders of the Commission in case of Intra-State transactions:

Provided that the provisions relating to energy balancing and settlement contained in the Final Balancing and Settlement Mechanism or any other such mechanism as may be stipulated by the Commission shall be applicable in the case of Open Access Consumers, Generating Stations and Licensees who are participants of the State Pool.

- 19.2. *Settlement of Energy at Drawal Point in respect of Open Access Consumer:* Deviations between the scheduled and the actual injection/drawal in respect of an

Open Access Consumer shall be treated in accordance with the methodology and charges specified in the Regulations of the Commission governing Distribution Open Access.

20. Reactive Energy Charge

- 20.1. The methodology for payment of Reactive Energy Charges by an Open Access Consumer, Generating Station or Licensee with load of 5 MW or more shall be in accordance with the State Grid Code and the Regulations of the Commission governing Multi-Year Tariff or the relevant orders of the Commission.
- 20.2. The Reactive Energy Charges in respect of an Open Access Consumer with load less than 5 MW shall be calculated on a Power Factor basis as may be stipulated by the relevant orders of the Commission.
- 20.3. The Reactive Energy Charges in respect of a Renewable Energy Generating Station shall be in accordance with the charges approved by the Commission in its relevant Tariff Orders.

Part G: COMMERCIAL MATTERS

21. Billing, Collection and Disbursement

The charges payable under these Regulations shall be billed in accordance with the procedure set out below.

21.1. Inter-State transactions:

- (i) Short-term Open Access:

Collection and disbursement of Transmission Charges for use of Central Transmission Utility ('CTU') and STU Systems and Operating Charges payable to RLDCs and SLDCs for Short-term Open Access shall be made by

the nodal RLDC in accordance with the procedure specified by the Central Commission.

(ii) Long-term and Medium-term Open Access:

- Billing, collection and disbursement of charges payable to RLDC shall be in accordance with the procedure specified by the Central Commission.
- Bills shall be raised by the STU to the Open Access Consumer before the third working day of the succeeding calendar month.
- An Open Access Consumer connected to the STU shall make payment within five working days of receipt of a bill.

21.2. *Intra-State transactions*

(i) Short-term Open Access:

A Short-term Open Access Applicant shall deposit the charges, specified in Regulations 14 and 15 and payable to MSLDC, in advance, within three days from the date of approval of Open Access or before the commencement of the transaction, whichever is earlier.

(ii) Long-term and Medium-Term Open Access:

The STU shall raise the bill on the Open Access Consumer, along with the charges receivable by it under Regulations 14 and 15, within seven days from its receipt; and the STU shall disburse the charges payable to MSLDC and the concerned Transmission Licensee monthly.

22. Late Payment Surcharge

In case the payment of any bill for charges payable under these Regulations is delayed by an Open Access Consumer, Generating Station or Licensee beyond the due date, and without prejudice to any other liability under the Act or other Regulations, it shall be liable to a late payment surcharge as specified in the Regulations of the Commission governing Multi-Year Tariff.

23. Default in payment

In the event of default in payment of any charge or sum of money payable under these Regulations, the STU or the Transmission Licensee may discontinue Open Access after giving the Consumer, Generating Station or Licensee, as the case may be, notice of fifteen days, without prejudice to its right to recover such charges in accordance with the provisions of the Act:

Provided that, in the event of default in payment of charges due to it, the MSLDC may refuse to schedule power to the defaulting entity, and direct the Distribution Licensee to disconnect such entity from the grid.

24. Payment Security Mechanism

The Applicant for Long-term or Medium-term Open Access shall open an irrevocable revolving Letter of Credit in favour of the Nodal Agency to the extent of the estimated amount of various charges payable for a period of two months.

25. Change in points of Injection and Drawal

- 25.1. An existing Long-term or Medium-term Open Access Consumer, Generating Station or Licensee, as the case may be, shall have the option to change the point of injection and/or point of drawal twice in a year subject to the results of system impact studies to be carried out by the STU at the request of the Applicant:

Provided that any expense on a system impact study or additional expense required to be incurred by the STU on account of such change shall be borne by the concerned Consumer, Generating Station or Licensee;

Provided further that a Medium-Term Open Access Consumer, Generating Station or Licensee shall be eligible for such change only if it is availing Open Access exceeding one year.

- 25.2. The MSLDC may allow a Short-term Open Access Consumer to change the point of injection in the event of any contingency arising from outage of generation or its associated network, provided it is technically feasible:

Provided that, in case of Long-term and Medium-term Open Access, the application for change in point of injection and/or drawal shall be made to the STU at least thirty days in advance;

Provided further that a second change may be permitted only after six months from the first change becoming effective.

Part H: INFORMATION SYSTEM

26. Information system

The STU and MSLDC shall provide the following information on their internet web-sites, in downloadable format within 3 months of the notification of these Regulations, and update it regularly:

- (a) The form of application, the manner of applying, and the fee required;
- (b) The form of Bulk Power Transmission Agreement and the procedure and manner of executing such Agreement;
- (c) The form of Connection Agreement;
- (d) The applicable Transmission Charges and Cross-Subsidy Surcharge; and any other terms and conditions for the use of the Intra-State Transmission System;
- (e) Details of current Open Access Consumers, Generating Stations and Licensees, indicating:
 - i. Name
 - ii. Period of Open Access granted (date of commencement and date of termination)
 - iii. Extent of Open Access capacity approved.

- (f) List of Open Access applications received with the date of application received, date of application admitted, action taken and status;
- (g) Details of rejected Applications for Open Access with reasons.
- (h) Status report on the use of Intra-State Transmission System, including:
 - i) Transmission maps depicting the intra-State transmission lines, line capacity and nodes;
 - ii) The names of Transmission System Users holding Transmission Capacity Rights in the Intra-State Transmission System, and the capacity, duration, points of injection and drawal for each such User.
- (i) Declaration of Transmission System Availability on a Day-Ahead basis and ex-post Availability for the last one day, one month and one year;
- (j) Energy losses in the Intra-State Transmission System as a percentage of the total energy injected into the system, for each week of the previous fifty-two weeks;
- (k) Transmission System Plan prepared by the STU under the State Grid Code.

Part I: MISCELLANEOUS

27. Under-Utilisation or Non-Utilisation of Open Access in Intra-State Transmission System

27.1. Long-term Open Access

A Long-term Open Access Consumer may relinquish its Long-term Open Access rights fully or partly before the expiry of its full term by payment of compensation for stranded capacity as set out below.

27.1.1. Long-term Open Access Consumer who has availed Access rights for at least twelve years:

- a) Notice of one year – No charges shall be payable if such Consumer applies to the STU at least one year prior to the date from which it desires to relinquish Access rights.

- b) Notice of less than one year – If such Consumer applies to the STU less than one year prior to the date from which it desires to relinquish Access rights, an amount equal to 66% of the Transmission Charges for the stranded Transmission capacity shall be paid for the period falling short of one year.

27.1.2. Long-term Open Access Consumer who has not availed Access rights for at least twelve years:

Such Consumer shall pay an amount equal to 66% of the estimated Transmission Charges (Net Present Value) for the stranded transmission capacity for the period falling short of twelve years of Access rights:

Provided that such Consumer shall apply to the STU at least one year prior to the date from which it desires to relinquish its Access rights;

Provided further that, where a Consumer applies for relinquishment of Long-Term Open Access rights with a notice of less than one year shall pay an amount equal to 66% of the estimated Transmission Charges (Net Present Value) for the period falling short of one year, in addition to 66% of the estimated Transmission Charges (Net Present Value) for the stranded Transmission capacity for the period falling short of twelve years of Access rights.

27.1.3. The discount rate for computing the Net Present Value shall be the post-tax Weighted Average Cost of Capital, determined by the STU with the following assumptions:

- a) Debt : Equity ratio of 70:30
- b) Post-tax Return on Equity of 16%
- c) Interest rate calculated as the State Bank of India Advance Rate ('SBAR') + 3%, where the SBAR is as on the first day of the respective financial years.

27.1.4. The compensation paid by the Long-term Open Access Consumer for the stranded Transmission capacity shall be used for reducing Transmission Charges payable by other Long-term and Medium-term Open Access Consumers in the financial year in

which such compensation is due, in the ratio of Transmission Charges payable for that year by such Consumers.

27.2. Medium-term Open Access

A Medium-term Open Access Consumer may relinquish Open Access rights, fully or partly, by giving at least thirty days' notice to the Nodal Agency:

Provided that such Consumer shall pay the applicable Transmission Charges for the period of relinquishment or thirty days, whichever is less.

27.3. Short-term Open Access

- (a) The Short-term Open Access schedules approved by the Nodal Agency in advance or on a 'first come, first served' basis may be cancelled or revised downwards on an application made to it by the Short-term Open Access Consumer:

Provided that such cancellation or downward revision shall not be effective before expiry of a minimum period of two days;

Provided further that the day on which notice for cancellation or downward revision of the Open Access is served on the Nodal Agency and the day from which it is to be implemented shall be excluded for computing the period of two days.

- (b) The person seeking cancellation or downward revision of Short-term Open Access shall pay the Transmission Charges for the first two days of the period for which the cancellation or downward revision has been sought, in accordance with the Open Access originally approved, and thereafter in accordance with the revised Open Access prepared by the Nodal Agency during the period of such cancellation or downward revision.
- (c) In case of cancellation, the Operating Charges specified in Regulation 15 shall be payable for two days or the period of cancellation (counted in days), whichever is less.

28. Computation of capacity availability for Open Access

28.1. The capacity available for Open Access shall be computed by the STU for each Transmission segment and for every sub-station by the methodology set out below.

28.1.1. Available Open Access capacity of a Transmission System segment = $(DC - (SD + AC + RM)) + NC$

Where;

DC = Design capacity of the transmission segment;

SD = Sustained demand recorded in the segment;

RM = Reliability Margin;

AC = Already allotted capacity, but not availed and

NC = New capacity expected to be added;

(all in MW).

28.1.2. Available Open Access capacity of a sub-station = $(TC - (SP + AC)) + NC$

where;

TC = Transformer capacity of the sub-station;

SP = Sub-station peak;

AC = Already allotted capacity, but not availed and

NC = New transformer capacity expected to be added;

(all in MVA).

28.1.3. The STU shall update these values monthly on the first day of each month and publish them on its website.

29. Curtailment Priority

Subject to the provisions of the State Grid Code, if it becomes necessary to curtail the Open Access of the Consumer, Generating Station or Licensee in the event of

technical constraints in the operation of the State grid, the MSLDC shall curtail the Open Access in following order:

Curtailment Order	Type of Transaction
First	Short-term Open Access
Second	Medium-term Open Access
Third	Long-term Open Access
Last	Short-term, Medium-term or Long-term Open Access of Distribution Licensee, in this order.

Provided that, amongst Short-term Open Access transactions, the curtailment order as between bilateral transactions and collective transactions shall be as specified by the Central Commission.

30. Disputes

Save as otherwise provided, any dispute under these Regulations shall be adjudicated upon by the Commission.

31. Force Majeure

Nothing contained in these Regulations shall be taken as requiring a Nodal Agency to grant Connectivity or consent for Open Access if it is prevented from so doing by the occurrence of any Force Majeure event, being:

- (a) Natural phenomena, including but not limited to floods, cyclone, droughts, earthquake and epidemics;
- (b) War (whether declared or undeclared), mutiny, invasion, armed conflict or act of foreign enemy in each case involving or directly affecting India, revolution, riot, insurrection or other civil commotion, act of terrorism or sabotage in each case within India;

- (c) Nuclear explosion, radioactive or chemical contamination or ionizing radiation directly affecting the Generation Station, Captive Generating Plant or the Consumer, Inter-State Transmission System or Intra-State Transmission System or any facility or system that is integral to and substantial for the performance of this Agreement.
- (d) Any event or circumstances of a nature analogous to any of the events set forth above within India.

Provided that either party shall, within 15 days from the occurrence of such a Force Majeure event, notify the other in writing of such event(s).

32. Power to amend

The Commission may, at any time, vary, alter, modify or amend any provisions of these Regulations.

33. Powers to Remove Difficulties

If any difficulty arises in giving effect to the provisions of these Regulations, the Commission may, by general or special order, direct the STU, MSLDC, Intra-State Licensees or Open Access Consumer to take such action as may appear to the Commission to be necessary or expedient for the purpose of removing such difficulty.

34. Issue of Orders and Practice Directions

Subject to the provisions of the Act, the Commission may issue Orders and Practice Directions with regard to the implementation of these Regulations.

35. Repeal and Savings

- 35.1. Save as otherwise provided in these Regulations, the Maharashtra Electricity Regulatory Commission (Transmission Open Access) Regulations, 2014 shall stand repealed from the date of notification of these Regulations.
- 35.2. Notwithstanding such repeal, anything done or purported to have been done under the repealed Regulations shall be deemed to have been done or purported to have been done under these Regulations.
- 35.3. Consumers, Generating Stations and Licensees availing Open Access to the Intra-State Transmission System in Maharashtra on the date of coming into force of these Regulations under an existing Agreement or contract shall be entitled to continue to avail such access to the Transmission System on the same terms and conditions as stipulated under such existing Agreement or contract:

Provided that the provisions of the Commission's Regulations governing Distribution Open Access relating to Banking of power, the definition of Billing Demand, change in injection or drawal point, and revision in Contract Demand shall also be applicable to existing Transmission Open Access Agreements or contracts;

Provided further that a Consumer, Generating Station or Licensee who has applied for Open Access to the Intra-State Transmission System in Maharashtra under the repealed Regulations and whose Application is under process on the date of coming into force of these Regulations, need not reapply, and such Applications will be processed under the provisions of these Regulations.

- 35.4. Nothing in these Regulations shall, expressly or impliedly, bar the Commission from dealing with any matter or exercising any power under the Act for which no Regulations have been framed.

ASHWANI KUMAR

Mumbai,

Secretary,

Date: 30 March, 2016

Maharashtra Electricity Regulatory Commission

ANNEXURE I: FORM OF APPLICATION FOR CONNECTIVITY

To

[STU

Address]

Sub: Connectivity to Transmission System

I/ We, _____ (name of applicant),
require Connectivity to Intra-state Transmission System in accordance with the Electricity
Act, 2003 and applicable Regulations.

Following are the details

1. **Current status of applicant:** Generating Station/ Licensee

2. **Particulars of a licensee requiring connection to Intra-State Transmission System:**
 - a) Name of applicant
 - b) Address of premises to which connectivity is to be provided
 - c) Purpose of usage of electricity
 - d) Load applied for with Generating Company or Licensee intending to give supply, including peak load and average load

3. **Particulars for connection to Generating Company:**
 - a) Name of power plant
 - b) Address
 - c) Promoter
 - d) Capacity
 - e) Date from which Connectivity is required
 - f) Technology
 - g) Generation Voltage
 - h) Step-up Voltage
 - i) Commissioning Schedule (unit wise)
 - j) Installed Capacity (unit wise)

4. Details of payment for Connectivity Application

- a) Amount
- b) Transaction Reference Number
- c) Date

Dated:

Signature of applicant

Present address

Enclosures: Particulars/ documents accompanying the application

ANNEXURE-II: FORMAT FOR STOA APPLICATIONFormat for Short-term

Format -STI

Application for Grant of Short-term Open Access (To be submitted by Short-term Open Access Applicant to MSLDC)				
1	Applicant Application No.:		Date:	
2	Name of the Applicant:		Type: New/ Renewal	
3	Consumer No.:		Existing supplier (if any):	
4	Meter No.:			
5	Address for Correspondence:			
	Contact no:		(Fax):	
	E-mail id:		Mobile no.	
6	Applicant type: < Buyer / Seller / Trader / Captive Generation Station / Renewable Energy Generation Station>			
7	Coordinator details			
	Name and Designation:			
	Contact no:		(Fax):	
		Email id:	Mobile:	
8	Open Access Quantum details			
	Period		Time period	
	From (Date)	To (date)	From (hrs.)	To (hrs.)
	<Add rows, as required>			
9	Details of PPA / MoU		Date of PPA / MoU	
	Name & Address of Parties		Validity period	
			Commencement	Expiry
	Seller	Buyer		
	<Add rows, as required>			
10	Injecting utility details <Repeat for every injection point>			
	Name :			
	Point of Injection :			
	Voltage Level:			
	Name of the concerned Distribution Licensee :			
	Details (path to the nearest sub-station) :			
	Meter No.:			
11	Drawing utility details			
	Name:			
	Point of Drawal:			

	Voltage Level:	
	Name of the concerned Distribution Licensee:	
	Details (path to the nearest sub-station):	
	Meter No.:	
12	Name of the trading licensee, if any:	
13	Trading license number, if applicable:	
14	Details of application fee payment:	

(Note: If Captive usage, provide Chartered Accountant Certificate, exhibiting capital structure and compliance with regard to requirements under the Electricity Act, 2003 read with the Electricity Rules, 2005)

Place:

Signature:

Date:

Name and Designation:

Enclosure:

- (i) Nonrefundable application fee in the form of _____
- (ii) Self-certified copy of PPA / MoU entered between parties (buyer and seller) of transaction stating contracted power, period of transaction, drawal patter, point (s) of injection and drawal etc.

For use of MSLDC (with Reference to Enrolment of application)	
MSLDC Reference ID No.:	Date:
MSLDC Approval / Refusal no.	
Remarks (Reasons for Refusal to be provided)	

(MSLDC may also enclose supporting documents for the reasons of refusal duly signed on each page)

*FORMATS for Short-Term***ACKNOWLEDGEMENT***(for office use only)***APPLICATION FOR GRANT OF SHORT-TERM OPEN ACCESS****(A) < to be filled by the Applicant >**

1	Applicant Application No.		Date	
2	Date of Open Access Transaction	<i>From</i>	<i>(dd/mm/yyyy) To</i>	<i>(dd/mm/yyyy)</i>
3	Nature of Applicant < seller /buyer /captive user /trading licensee>			

4	Applicant Name			
5	Registration Code*		Valid up to	

< *Registration code shall be as provided by MSLDC >

(B) < to be filled by MSLDC >

Date and Time of Receipt of Application	
--	--

Place**Signature (with stamp)****Date****Name & Designation****N.B.: A counterfoil of this shall be issued to the Applicant.**

FORMATS for Short-Term**ANNEXURE-II FORMAT - ST2 APPROVAL FOR SHORT-TERM OPEN ACCESS***(to be issued by MSLDC)*

MSLDC Approval No.		Date	
Approval version	Original/ Revision-1/Revision-2/...		

1	Applicant Application No.		Date of Application	
2	Application No. <i><inward number accorded by Nodal Agency></i>			
3	Nature of Applicant*			

*<*seller/buyer/captive user/trading licensee (on behalf of seller/buyer/captive user) >*

4	Applicant Name			
5	Registration Code**		Valid up to	

< **Registration code as provided by MSLDC >*

6	Details of Transaction Party's to Grid			
		Injecting Entity	Drawee Entity	
	Name of Entity			
	Status of Entity*			
	Utility in which it is embedded			

*< * In terms of ownership- State Utility/CPP/IPP/ ISGS/ Distribution Licensee /Consumer/specify, if any other >*

7	Additional details of Injecting / Drawee Connectivity with Intra-State Transmission System / Distribution system (as applicable)			
		Injecting Entity	Drawee Entity	
	Name of Sub-station	Transmission		
		Distribution		
	Voltage level	Transmission		

	Distribution		
Name of Licensee (Owner of S/S)			
Intervening Intra-State Licensee			
Intervening Inter-State Licensee			

< Distribution license, if required, may treat interface periphery as its connectivity points >

8	Open Access Approved for (Period from date _____ to date _____)							
	Month	Date		Hours		Capacity (MW)		Estimated MWh
		From	To	From	To	Applied	Allotted	
						Total Estimated MWh		

9	Details of Bidding < only in case of Bidding >					
	Details of Intra-State System	Date		Hours		Applicable Rate (Rs./kWh)
		From	To	From	To	
	Transmission System					
	Distribution System					

10. The approval is subject to provisions of MERC (Transmission Open Access) Regulations, 2016 and any other relevant regulation/order/code as amended and applicable from time to time. *< only in case of approval >*

11. No approval is being granted on account of *<only in case of rejection>*

< MSLDC shall convey specific reasons if open access is denied and may also enclose supporting documents to support the same duly signed on each page >

Place

Date

Signature (with stamp)

Name & Designation

Enclosures

- (1) Schedule of payments *< only in case of approval >*
(2) If any other

Copy to along with enclosures

- (1) Applicant
(2) Officer in charge of transmission sub-station involved in transaction.
(3) Officer in charge of distribution sub-station involved in transaction.
(4) Any other concerned.

*FORMATS for Short-Term***ENCLOSURE to FORMAT- ST2****SCHEDULE OF PAYMENTS***(to be enclosed for each month by MSLDC along with FOMAT-ST2)*

MSLDC Approval No.		Date	
Approval version	Original/ Revision-1/Revision-2/...		

1	Applicant Application No.		Date of Application	
2	Application No. <inward number accorded by Nodal Agency>		Date	
3	Nature of Applicant*			

** < seller/buyer/captive user/trading licensee (on behalf of seller/buyer/captive user) >*

4	Applicant Name			
5	Registration Code**		Valid up to	

< *Registration code as provided by MSLDC >*

6	Tentative* Monthly Payment Schedule for Short-Term Open Access Charges (Open Access Period: date _____ to date _____)			Month	
	Payment Chargeable for	Rate (Rs./kWh)	kWh	Total (Rs.)	
	(1) Intra-State Network				
	(a) Transmission Charges				
	concerned Transmission Licensee				
	Intervening intra-State Licensee(if any)				
	(b) Wheeling Charges				
	concerned Distribution Licensee				
	Intervening intra-State Licensee(if any)				

(c) Surcharge			
concerned Distribution Licensee			
(d) Additional Surcharge			
concerned Distribution Licensee			
(e) MSLDC Charges			
MSLDC			
(2) Inter-State Network			
Transmission Charges			
Intervening inter-State Licensee(if any)			
Total Monthly Payment Amount (Rs.)			

Place

Signature (with stamp)

Date

Name & Designation

*** Tentative on the basis of kWh mentioned in application which may vary on actual operation.**

FORMATS for Short-Term**ANNEXURE-II FORMAT-ST3: CONGESTION INFORMATION AND INVITATION OF BIDDING***(to be invited by MSLDC)*

MSLDC Bidding Invitation No. _____

Date _____

1	Applicant Application No.		Application Date	
2	Application No. <inward number accorded by Nodal Agency>			
3	Nature of Applicant*			

<* seller/buyer/captive user/trading licensee (on behalf of seller/buyer/captive user) >

4	Applicant Name			
5	Registration Code		Valid up to	

<* *Registration code as provided by MSLDC >

6	Date of Open Access Transaction	From _____ (dd/mm/yyyy)	To _____ (dd/mm/yyyy)
---	---------------------------------	-------------------------	-----------------------

7. The anticipated congestion (transformer and electric line/link) is as follow:

Network Corridor		Congestion Period				Margin / Capacity Available	Total Capacity Applied by all the Customers
Sub-station with Transformation Capacity	Electric Line / Link with Capacity	Date		Hours			
		From	To	From	To	MW	MW
Intra-State Transmission System							
Intra-State Distribution System							

Inter-State Transmission System							

8. In view of above please submit bid on format *[FORMAT-ST4]*. The details for bidding are hereunder:

(a) Bid Invitation Date						Time	
(b) Last Date for Bid Submission						Time	
(c) Bid Opening Date						Time	
(d) Bids Invited for							
Intra-State Network Corridor		Congestion Period				Margin/Capacity Available for Bidding	Floor Price
Sub-station	Electric Line/Link	Date		Hours			
		From	To	From	To	MW	Rs./kWh
Name of Transmission System							
Name of Distribution System							

9. In case of non-submission of bid, application shall be deemed to have been withdrawn and shall not be processed.

Place

Date

Signature (with stamp)

Name & Designation

FORMATS for Short-Term**ANNEXURE-II FORMAT-ST4: BID PROPOSAL**

(to be submitted by the Applicant to MSLDC)

Ref: MSLDC Bidding Invitation No. _____ Date _____

To: MSLDC,

1	Applicant Application No.		Application Date	
2	Application No. <inward number accorded by Nodal Agency>			
3	Nature of Applicant*			

<* seller/buyer/captive user/trading licensee (on behalf of seller/buyer/captive user) >

4	Applicant Name			
5	Registration Code**		Valid up to	

<* **Registration code as provided by MSLDC >

6	Date of Open Access Transaction	From _____ (dd/mm/yyyy)	To _____ (dd/mm/yyyy)
---	---------------------------------	-------------------------	-----------------------

7. In reference to above bidding invitation, I hereby submit my bid as follows:

Bidding Details as provided by MSLDC								Bid Price to be Quoted by Bidder
Intra-State Network Corridor		Congestion Period				Margin/Capacit y Available for Bidding	Floor Price	
Sub-station	Electric Line/Lin k	Date		Hours				
		From	To	From	To	MW	Paise / kWh	Paise / kWh*
Name of Transmission System								

Name of Distribution System								

< * Bidder shall quote price (rounded-off to whole number) in denotation of floor price>

8. I do hereby agree that determined bid price(s) shall be Transmission Charges.

Place

Signature (with stamp)

Date

Name & Designation

ANNEXURE III: APPLICATION FORM FOR LONG-TERM / MEDIUM-TERM OPEN ACCESS

(To be submitted by Open Access Applicant)

Applicant Application No:

Dated: _____

1. Name of the Applicant:

2. Address for Correspondence:

Phone Numbers < _____ > Fax No. < _____ > E-Mail < _____ >

3. Applicant Type: (Buyer / Seller / Trading Licensee/ Captive Generation station)

4. Agreement /MOU/Consent Letter Details:

With	Reference No	Date	Valid Up to	Maximum Demand (MW)
Buyer				
Seller				

5. Coordinator Details:

Name:		
Designation:		
Phone Numbers:	(Off)	(Res)
	(Fax)	(Mobile)
	Email ID:	

6. Type of Open Access: (Captive or Third party)

(If Captive usage, provide Chartered Accountant Certificate, exhibiting capital structure and compliance with regard to requirements under the Electricity Act, 2003 read with the Electricity Rules, 2005 and Orders of the Commission)

7. Details of Power Transfer requirement

- i. Quantum of power to be transmitted (MW)
- ii. Peak load to be transferred (MW)
- iii. Average load to be transferred (MW)

8. Expected date of commencement of Open Access.

9. Open Access Period Required:

Period		Time		Capacity (MW)
From Date	To Date	From Hours	To Hours	

10. Details at Injection Point: (Repeat for every Injection Point)

Name of injecting utility / party / Generating Station		
Type and generating capacity		
Voltage level		
Point of injection (Name of Sub-station – Distribution Licensee)		
Name of location and Distribution Licensee in whose area located		
Metering arrangement		
Meter details		
a.	Class of Accuracy	
b.	TD Interval	
c.	Parameters	

i.		
ii.		
iii.		
iv.		

11. Details at Drawal Point (Drawal utility/Consumer details):

Name of user		
Point of exit		
Voltage level		
Source of feeding for Exit Point (Name of Sub-station – Distribution Licensee)		
Name of location and Distribution Licensee in whose area located		
Metering arrangement		
Meter details		
A	Class of Accuracy	
B	TD Interval	
C	Parameters	
i.		
ii.		
iii.		
iv.		

12. Is the Consumer at the Exit point an existing Consumer of distribution licensee: (Yes or No)

(If yes provide the Consumer number and Contracted Maximum Demand (CMD), Category, whether the open access is for partial load or for full load)

13. Details of PPAs / Contracts and MOU

- i. For Power to be injected
- ii. For Power to be Drawn
- iii. For Balancing and Mismatch power requirement

- iv. For Inter-State Transmission Open Access if involved
- v. Agreement with Traders and Members of Power Exchange if any in above transaction

14. In case of Generating Station

- i. Name of the Promoter
- ii. Generation Capacity
- iii. Location of the Generation plant
- iv. No. of Units & Capacity of each unit
- v. Type of fuel
- vi. Base load station or peaking load station
 - a. If peaking load, then what is the estimated hours of running
 - b. If it is a hydro plant, then whether is a Run of the river / Reservoir / Multi-purpose / Pump storage
- i. MU generation in an year in case of Hydro plant
- vii. Specify the step-up generation Voltage 400kV or 220 kV or any other voltage
- viii. In case of Hydro Station, whether it is a identified project of CEA

15. Details of Application Fee (Non-refundable):

i.	Name of the Bank	
ii.	Draft No. & Date	
iii.	Amount	
iv.	Payable at Bank	

16. Any other information:

It is hereby certifying that

1. All utilities (including Buyer, Seller and Trader) to the transaction shall abide by the provisions of the MERC (Transmission Open Access) Regulations, 2016 and/or MERC (Distribution Open Access) Regulations, 2016 as the case may be and its amendment from time to time.

2. The buyer and seller have entered into commercial agreement for the proposed transaction. Payment of the Long-term Open Access charges (if not paid) shall be made by me.
3. The applicant hereby agrees to keep (Name of the Transmission licensee) indemnified at all times and undertakes to indemnify, defend and save the (name of the Transmission licensee) harmless from any and all damages, losses, claims and actions relating to injury to or death of any person or damage to property, demands, suits, recovering costs and expenses, court costs, attorney fees, and all obligations by or to third parties, arising out of or resulting from the transactions under his approval.
4. We shall execute the Long-Term/Medium-Term Open Access Agreement after receiving the approval from the (Name of the Transmission licensee) within the 30 days failing which (Name of the Transmission licensee) has right to cancel the approval without any further notice.
5. (Insert in case of Intra-state Trader) M/s has a valid license (ref. no issued by and valid up to) for Intra-state Trading and will abide by MERC (Trading Licence Conditions) Regulations, 2004 and its amendment from time to time
6. (Insert in case of Inter-state Trader) M/s has a valid license (ref. no issued by and valid up to) for Inter-state Trading and will abide by CERC (Procedure, Terms and Conditions for grant of trading licence and other related matters) Regulations, 2009 and its amendment from time to time

Signature of the Applicant

Place:

Name:

Date:

Designation:

ASHWANI KUMAR

Mumbai,

Secretary,

Date: 30 March, 2016

Maharashtra Electricity Regulatory Commission