

Delhi Electricity Regulatory Commission
Draft Notification

F.17(17)/Engg./DERC/2017-18/OA/5842/ -In exercise of the powers conferred by Sections 39, 40, 42 of the Electricity Act 2003, read with Section 181 of the Electricity Act, 2003 the Delhi Electricity Regulatory Commission hereby makes the following amendments in "Delhi Electricity Regulatory Commission (Terms and conditions for Open Access) Regulations, 2005" (hereinafter referred to as "the Principal Regulations"), as follows

1.0 Short title and commencement

- (1) These regulations may be called the Delhi Electricity Regulatory Commission (Terms and conditions for Open Access) (First Amendment) Regulations, 2017.
- (2) These regulations shall come into effect from the date of their publication in the official Gazette.
- (3) These Regulations shall extend to the National Capital Territory of Delhi.

2.0 Amendment of Regulation 2 (1) (e) of Principal Regulations:

The definition of sub- regulation (1) (e) of Regulation 2 of the Principal Regulations on 'Nodal Agency' shall be substituted as under:-

"(e) "Nodal Agency" means the agency specified in Regulation 10;"

3.0 The Regulation 7 of the Principal Regulations on 'Categorization of Open Access Customers' shall be substituted as under:-

"7. Categorization of Open Access Customers:-

- (1) Subject to the provisions of regulation 6, the open access customers shall be divided into three categories, based on the duration of use of the Intra-State Transmission System or the Distribution System, namely:
 - (a) Long-term Open Access customers; or
 - (b) Medium-term Open Access customers; or
 - (c) Short-term Open Access customers.

- (2) The persons availing or intending to avail of the open access for a period of one year or less shall be categorized as the short-term open access customers.
- (3) The persons availing or intending to avail of the open access for a period exceeding one year but not exceeding three years shall be categorized as the medium-term open access customers.
- (4) The persons availing or intending to avail of the open access for a period of more than five years shall be the long-term open access customers.
- (5) Medium-term open access customer and Short-term open access customer shall be eligible to obtain fresh open access after the expiry of the term and shall be treated as a new applicant for capacity allocation."

4.0 The sub-regulation (1) of Regulation 8 of the Principal Regulations on 'Allotment Priority' shall be substituted as under:-

"(1)The priority for allowing open access shall be decided generally on the criteria that the long-term open access customer shall be given priority over the medium-term and medium-term open access customer shall be given priority over the short-term open access customer."

5.0 The sub-regulation (1) and (2) of Regulation 9 of the Principal Regulations on 'Determination of Capacity' shall be substituted as under:

"(1) The availability of capacity in the Intra-State Transmission System for long term open access and medium term open access shall be determined by the State Transmission Utility and for short term open access, it shall be determined by the State Load Despatch Centre, after considering the representation of the Transmission Licensees and the person seeking open access.

(2) The availability of capacity in the Distribution System, for long term, medium term and short term open access, including the existence or absence of operational constraints affecting the open access being allowed shall be determined by the State Load Despatch Centre after considering the representation of the distribution licensee and the person seeking the open access."

6.0 The Regulation 10 of the Principal Regulations on 'Procedure for seeking Open Access' shall be substituted as under:

“(1) The person seeking open access shall apply to the concerned nodal agency as under:-

Open Access Customer seeking Distribution Open Access					
S.No	Period	Injection Point	Drawal Point	Nodal Agency	Remarks
1	Short-Term, Medium-Term and Long-Term Open Access	Any Distribution System of the Licensee within Delhi	Any Distribution System of the Licensee within Delhi	State Load Despatch Centre, Delhi	
2		Intra-State Transmission System within Delhi	Any Distribution System of the Licensee within Delhi	State Load Despatch Centre, Delhi	
3		Other than Delhi	Any Distribution System of the Licensee within Delhi	As per Regulations notified by Central Electricity Regulatory Commission	Prior Consent to be taken from concerned SLDCs and Distribution Licensees as applicable
Open Access Customer seeking Transmission Open Access					
S.No	Period	Injection Point	Drawal Point	Nodal Agency	Remarks
1	Short-Term Open Access	Within Delhi	Within Delhi	State Load Despatch Centre, Delhi	
2		Within Delhi	Outside Delhi	As per Regulations notified by Central Electricity Regulatory Commission	Prior Consent to be taken from concerned SLDCs and Distribution Licensees as applicable
3		Outside Delhi	Within Delhi	As per Regulations notified by Central Electricity Regulatory Commission	Prior Consent to be taken from concerned SLDCs and Distribution Licensees as applicable
4	Medium-Term and Long-Term Open Access	Within Delhi	Within Delhi	State Transmission Utility	
5		Within Delhi	Outside Delhi	As per Regulations notified by Central Electricity Regulatory Commission	Prior Consent to be taken from concerned SLDCs and Distribution Licensees as applicable
6		Outside Delhi	Within Delhi	As per Regulations notified by Central Electricity Regulatory Commission	Prior Consent to be taken from concerned SLDCs and Distribution Licensees as applicable

(2) The application shall contain details regarding maximum power (MW/kW) to be transmitted or wheeled in the system and accordingly the capacity in the system to be earmarked for the applicant, the point of injection, the point of drawal, duration and hours of availing open access and any other additional information that may be required by the Nodal Agency.

(3) Application for open access should be accompanied by a non-refundable processing fee as given in table below:

Particulars		Amount (Rs.)
Transmission Open Access	Long Term	One lakh
	Medium Term	Twenty five thousand
	Short Term	Ten thousand
Distribution Open Access	Long Term	Twenty five thousand
	Medium Term	Ten thousand
	Short Term	Two thousand five hundred

(4) The Nodal Agency shall, in consultation with State Transmission Utility or State Load Dispatch Centre or Distribution Licensee, as the case may be, assess the capacity available and the existence or absence of operational constraints in permitting open access and communicate the decision to the applicant within the time frame as prescribed in the Order issued by the Commission under these Regulations from time to time:

Provided that the procedure and timelines for grant of Medium Term Open Access shall be same as applicable to Long Term Open Access.

(5) The Nodal Agency shall decide on the capacity available or the existence of operational constraints, consistent with the principles and guidelines as decided by the State Transmission utility. The State Transmission utility shall decide such principles within thirty days of publication of these Regulations.

(6) The Nodal Agency shall also inform the applicant of the pre-requisites required for the activation of open access. Such pre-requisites shall be as directed by the Commission from time to time."

7.0 A new sub-regulation (5) shall be added after sub-regulation (4) of Regulation 11 of the Principal Regulations on 'Non-utilisation of open access capacity' as under:

"(5) A medium-term open access customer may relinquish rights, fully or partly, by giving at least 30 days prior notice to the nodal agency:

Provided that the medium-term open access customer relinquishing its rights shall pay applicable transmission charges and/or wheeling charges for the period of relinquishment or 30 days whichever is lesser."

8.0 The Regulation 13 of the Principal Regulations on 'Curtailment Priority' shall be substituted as under:-

"13. Curtailment Priority: When because of transmission constraints or otherwise, it becomes necessary to curtail the transmission service, the short-term open access customers shall be curtailed first followed by the medium term and then followed by the long-term open access customers:

Provided that within a category, the open access customers shall have equal curtailment priority and shall be curtailed on pro- rata basis:

Provided further that in case of such curtailment, the transmission or wheeling charges paid by open access customers shall be reduced in proportion to their curtailed capacity."

(Secretary)

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