

Central Electricity Regulatory Commission

Notification

New Delhi, the 7th August, 2015

No. 1/14/2015-Reg.Aff.(FSDS)(ii)/CERC - In exercise of the powers conferred under Section 178 of the Electricity Act, 2003 (36 of 2003), and all other powers enabling it in this behalf, and after previous publication, the Central Electricity Regulatory Commission hereby makes the following regulations to amend the Central Electricity Regulatory Commission (Deviation Settlement Mechanism and related matters) Regulations, 2014 (hereinafter referred to as the "Principal Regulations") namely: -

1. Short title and commencement - (1) These regulations shall be called the **Central Electricity Regulatory Commission (Deviation Settlement Mechanism and related matters) (Second Amendment) Regulations, 2015,**

(2) These regulations shall come into force with effect from 1st November, 2015.

2. **Amendment of Regulation 2 of Principal Regulations:**

(i) After sub-clause (a) under clause (1) of Regulation 2, new sub-clause (aa) shall be added as under:-

“ (aa) ‘Absolute Error’ shall mean the absolute value of the error in the actual generation of wind or solar generators which are regional entities with reference to the scheduled generation and the 'Available Capacity' (AvC), as calculated using the following formula for each 15 minute time block:

$$\text{Error (\%)} = 100 \times [\text{Actual Generation} - \text{Scheduled Generation}] / (\text{AvC})$$

(ii) After sub-clause (q) under clause (1) of Regulation 2, new sub-clause (r) shall be added as under:-

(r) 'Available Capacity (AvC)' for wind or solar generators which are regional entities is the cumulative capacity rating of the wind turbines or solar inverters that are capable of generating power in a given time-block.

3. **Amendment of Regulation 5 of Principal Regulations:** In clause (1) of Regulation 5 of the Principal Regulations, the words “and over-injection by the seller and shall be worked out on the average frequency of a time-block at the rates specified in the table below as per the methodology specified in clause (2) of this regulation” shall be substituted by the words “and over-injection by the seller, except for wind and solar generators which are regional entities, and shall be worked out on the average frequency of a time-block at the rates specified in the table below as per the methodology specified in clause (2) of this regulation”.

4. **Amendment of Regulation 5 of Principal Regulations:** Sub-clause (iv) to clause (1) of Regulation 5 of the Principal Regulations, shall be substituted as under:-

“the charges for the Deviation for the over-injection by the seller in a time block in excess of 12% of the schedule or 150 MW, whichever is less, shall be zero, except in case of injection of infirm power, which shall be governed by the clause (5) of this Regulation, and except for wind and solar generators which are regional entities, which shall be governed by sub-clauses (v) to (vii) below:

5. **Insertion of new proviso under clause (1) under Regulation 5:** After sub-clause (iv) to clause (1) of Regulation 5 of the Principal Regulations, new sub-clauses (v), (vi) and (vii) shall be added as under:-

“(v) The wind or solar generators which are regional entities shall be paid as per schedule. In the event of actual generation being less than the scheduled generation, the deviation charges for shortfall in generation shall be payable by such wind or solar generator to the Regional DSM Pool as given in Table – 1 below:

Table – I: Deviation Charges in case of under injection

Sr. No.	Absolute Error in the 15-minute time block	Deviation Charges payable to Regional DSM Pool
1	$\leq 15\%$	At the Fixed Rate for the shortfall energy for absolute error upto 15%
2	$>15\%$ but $\leq 25\%$	At the Fixed Rate for the shortfall energy for absolute error upto 15% + 110% of the Fixed Rate for balance energy beyond 15% and upto 25%
3	$>25\%$ but $\leq 35\%$	At the Fixed Rate for the shortfall energy for absolute error upto 15% + 110% of the Fixed Rate for balance energy beyond 15% and upto 25% + 120% of the Fixed Rate for balance energy beyond 25% and upto 35%
4	$> 35\%$	At the Fixed Rate for the shortfall energy for absolute error upto 15% + 110% of the Fixed Rate for balance energy beyond 15% and upto 25% + 120% of the Fixed Rate for balance energy beyond 25% and upto 35% + 130% of the Fixed Rate for balance energy beyond 35%

Where the Fixed Rate is the PPA rate as determined by the Commission under section 62 of the Act or adopted by the Commission under section 63 of the Act. In case of multiple PPAs, the weighted average of the PPA rates shall be taken as the Fixed Rate. The wind and solar generators shall furnish the PPA rates on affidavit for the purpose of Deviation charge account preparation to respective RPC supported by copy of the PPA.

Fixed Rate for Open Access participants selling power which is not accounted for RPO compliance of the buyer, and the captive wind or solar plants shall be the Average Power Purchase Cost (APPC) rate at the National level, as may be determined by the Commission from time to time through a separate order. A copy of the order shall be endorsed to all RPCs.

(vi) The wind or solar generators which are regional entities shall be paid as per schedule. In the event of the actual generation being more than the scheduled generation, the Deviation Charges for excess generation shall be payable to the wind or solar generators which are regional entities from the Regional DSM Pool as given in Table – II below:

Table – II: Deviation Charges in case of over injection

Sr. No.	Absolute Error in the 15-minute time block	Deviation Charges payable
1	<= 15%	At the Fixed Rate for excess energy upto 15%
2	>15% but <= 25%	At the Fixed Rate for excess energy upto 15% + 90% of the Fixed Rate for excess energy beyond 15% and upto 25%
3	>25% but <=35%	At the Fixed Rate for excess energy upto 15% + 90% of the Fixed Rate for excess energy beyond 15% and upto 25% + 80% of the Fixed Rate for excess energy beyond 25% and upto 35%
4	> 35%	At the Fixed Rate for excess energy upto 15% + 90% of the Fixed Rate for excess energy beyond 15% and upto 25% + 80% of the Fixed Rate for excess energy beyond 25% and upto 35% + 70% of the Fixed Rate for excess energy beyond 35%

Where the Fixed Rate is the PPA rate as determined by the Commission under section 62 of the Act or adopted by the Commission under section 63 of the Act. In case of multiple PPAs, the weighted average of the PPA rates shall be taken as the Fixed Rate. The wind and solar generators shall furnish

the PPA rates on affidavit for the purpose of Deviation charge account preparation to respective RPC supported by copy of the PPA.

Fixed Rate for Open access participants selling power which is not accounted for RPO compliance of the buyer, and the captive wind or solar plants shall be the Average Power Purchase Cost (APPC) rate at the National level, as may be determined by the Commission from time to time through a separate order. A copy of the order shall be endorsed to all RPCs.

(vii) In reference to clauses (v) and (vi) of this Regulation, for balancing of deemed renewable purchase obligation (RPO) compliance of buyers with respect to schedule, deviations by all wind and solar generators which are regional entities shall first be netted off for the entire pool on a monthly basis and any remaining shortfall in renewable energy generation must be balanced through purchase of equivalent solar and non-solar Renewable Energy Certificates (RECs), as the case may be, by NLDC by utilising funds from the Pool Account. For positive balance of renewable energy generation, equivalent notional RECs shall be credited to the DSM Pool and carried forward for settlement in future.”

6. **Amendment of Regulation 5 of Principal Regulations:** In clause (2) of Regulation 5 of the Principal Regulations, the words “The Charge for Deviation shall be determined in accordance with the following methodology” shall be substituted by the words “The Charge for Deviation, except for wind and solar generators which are regional entities, shall be determined in accordance with the following methodology”.

7. **Insertion of a new proviso to clause (1) under Regulation 7:** After the existing proviso to clause (1) of Regulation 7 of the Principal Regulations, a new proviso shall be added as under:-

"Provided that the limits on deviation volume and consequences for crossing these limits (including the additional charges for deviation) as stipulated under Regulation 7 shall not apply to wind and solar generators which are regional entities".

(Shubha Sarma)
Secretary

Note: The Principal Regulations were published on 7.1.2014 in the Gazette of India, Extraordinary, Part III, Section 4, Serial No. 06, corrigendum thereof was published (on 17.2.2014) in the Gazette of India, Extraordinary, Part III, Section 4 at Serial No.52 and the first amendment to the Principal Regulations were published in the Gazette of India, Extraordinary, Part-III, Section 4 on 18th December, 2014.