

**TRIPURA GAZETTE**

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**PART--I-- Orders and Notifications by the Government of Tripura,  
The High Court, Government Treasury etc.**

**TRIPURA ELECTRICITY REGULATORY COMMISSION**

No. F.25/TERC/2009/

Dated, Agartala, the 29th April, 2010.

**NOTIFICATION OF  
(Terms and Condition of Open Access)Regulations, 2010.**

In exercise of powers under sub section (2) of section 181 read with clause (2) (d) of section 39 and clauses (2), (3), (4) of section 42,86(1) of the Electricity Act, 2003(No.36 of 2003) and all powers enabling it in on that behalf the Tripura Electricity Regulatory Commission hereby makes following Regulations: -

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**CHAPTER -1**

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**GENERAL:-**

**1. Short Title, Commencement and Interpretation.**

- (i). These Regulations may be called the Tripura Electricity Regulatory Commission **(Terms and Condition of Open Access) Regulation, 2010.**
- (ii). These Regulations shall come into force on the date of their publication in the official Gazette unless otherwise stated in these Regulations and shall be concurrent within the area of jurisdiction of Tripura Electricity Regulatory Commission.
- (iii). Tripura General Clause Act/Indian general Clause Act shall apply to the interpretation of these Regulations unless otherwise indicated in these Regulations or inconsistent with the provisions of the Electricity Act 2003 as amended.

**2. Definition: -**

- (1). In these Regulations , unless the context otherwise requires :
  - a). **“Act”** means the Electricity Act, 2003 (36 of 2003).
  - b). **“ALDC”** means Area load Despatch Center.
  - c). **“Commission”** means the Tripura Electricity Regulatory Commission.

- d). **“Drawl”** means the electricity which has been delivered at the interconnection of transmission system or installation of the ‘user’ with specified network.
- e). **“DISTCO”** means Distribution and Transmission Company/Agency.
- f). **“Grid Code”** means the Grid Code specified by the Commission under Clause (h) of sub-section (1) of Section 86 of the Act and includes the Indian electricity Grid Code and State Grid Code applicable on the date of commencement of these Regulations;
- g). **“Injection”** shall mean the transfer of electricity by a generating company or licensee to the user at a predefined interconnection point with specified network.
- h). **“Intra State UI Rate”** shall mean unscheduled interchange rates as specified by these Regulations.
- i). **“Intra-State Generating Station”** shall mean a generating station or a captive generating plant (CGP) which is not an Inter-State Generating station.
- j). **“Nodal agency”** means the Nodal Agency defined in Regulation 6 of these Regulations.
- k). **“Open Access Customer”** means a consumer permitted by the State Commission to receive supply of Electricity from a person other than distribution Licensee of his area of supply, and the expression includes a generating company and a Licensee, who has availed of or intends to avail of open access;
- l). **“State”** means the State of Tripura.
- m). **“Supplier”** shall mean any generating company or licensee from whose system electricity flows into the system of another generating company or licensee or consumer.
- n). **“Specified network”** means state transmission network of 66 KV and above voltage level owned and operated by the transmission licensee(s) of the State.
- o). **“State Transmission Utility (STU)”** means the utility notified by the Government of Tripura under section 39 (1) of the Act.
- p). **“SLDC”** means the State Load Despatch Centre under sub section (1) of section 31 of the Act.
- q). **“Time block”** shall have meaning as defined in Indian Electricity Grid code.
- r). **“TEGC”** means Tripura Electricity Grid Code.
- s). **“Transmission open access customer”** shall mean an open Access consumer being supplied electricity from transmission line of 66 KV and above voltage.
- t). **“User”** shall mean generating station including CGP, distribution licensee, trading licensee and open access customers within the State utilizing specified network.

- u). **“Wheeling ”** carries the same meaning as defined in sub-section 76 of section 2 of the Act;

**(2).** Words and expressions appearing in these Regulations and not defined above shall bear the meaning assigned to them in the following:

- a). TERC (Terms & conditions for Determination of Tariff) Regulations.
- b). Tripura Electricity Grid Code.
- c). Indian Electricity Grid Code.
- d). The Electricity Act, 2003.
- e). CERC (Terms & conditions of Tariff) Regulation, 2004.
- f). CEA (Installation and Operation of Meters) Regulation 2006.

**3. Extent of Application:**

These Regulations shall apply to open Access for use of Intra State Transmission lines and /or Distribution Systems or associated facilities with such lines or systems of the Licensee in the State including any such lines and/or systems as are used in conjunction with Inter State Transmission Lines.

**4. Categorizations of Open Access Customers:**

The Open Access customers shall be classified into the following categories based on the duration of the Intra -State transmission and /or distribution system, namely-

- (a). **Short Term Open Access Customer:** - An Open Access customer availing open access on regular basis for a period of more than 6 months but less than one year shall be the Short Term Open Access Customer.
- (b). **Long Term Open Access Customer:** - An Open Access Customer availing open access for a period of 1 year and more on regular basis shall be the Long Term Open Access Customer.
- (c). **Temporary Open Access Customer:-** An Open access Customer who intends to avail the open access on temporary basis for a period of 6 months or less shall be the Temporary Open Access Customer

**5. Allotment Priority:**

- 1). The priority for allowing open access shall be determined in the following order:
  - (a). Distribution Licensee for Long Term.
  - (b). Other Open access customer for long term.
  - (c). Distribution licensee for short term.
  - (d). Other open access customers for short term.
- 2). Among the open access customers within a category, the person applying for open access for a longer duration shall have preference over the person applying for shorter duration at any given time.
- 3). Subject to the above clauses, the decision to allow open access shall be on the basis of first come first served.

- 4). In case short –term open access is to be accommodated through congested corridors of the network, the Nodal Agency shall invite bids by Fax/e-mail with floor price equal to the un-congested price for short term users. The allotment shall be done on the basis of decreasing order of price quoted. In case the quoted prices are equal, the allotment shall be done on *pro rata* basis of capacity sought. The user getting allotment of capacity less than the capacity sought shall pay the price quoted by him. All other applicants shall pay charges as per the price quoted by the last applicant getting full allotment of capacity sought.

**6. Nodal Agency:**

- a). The Nodal Agency for arranging long-term open access shall be the state transmission utility if its system is used; otherwise the Nodal agency shall be the respective distribution licensee, within whose area the point of drawal is situated.
- b). For short term open access the Nodal Agency shall be the State Load Dispatch centre.

**7. Procedure for applying for Open Access:**

- (i). An application for open access shall be filed with the respective Nodal agency by the intending open access customer, with a copy marked to the distribution licensee of the area.
- (ii). The application shall contain such details as capacity needed, point of injection, point of drawal, voltage level, phase arrangement, duration of availing open access, peak load/ time, average load and any other additional information that may be required by the nodal agency.
- (iii). The Nodal Agency shall host its website the details of applications received and the status of each application on a continuous basis.
- (iv). The Nodal Agency shall issue necessary guidelines, procedure and application forms within 30 days of publication of these regulations in the official gazette.
- (v). The Application shall be accompanied by a non-refundable processing fee of Rs.5, 000/- for long term customers and Rs.1000/- for short –term customers.
- (vi). The Nodal Agency , based on the system studies by the concerned licensee or otherwise assess the capacity available and communicate the same to the applicant within the time schedule indicated below, namely-
- a). Short term open access-** Within 7 days from the date of receipt of application; and
- b). Long term open access-** within 30 days from the date of receipt of application.
- (vii). Where the Nodal Agency is of the opinion that open access cannot be allowed without system strengthening, it shall identify the scope of work for system strengthening and the probable date from which the open access can be allowed and the applicant shall be informed accordingly within 30 days.

- (viii). An open access customer shall enter into commercial agreements with transmission and distribution licensees, generators, traders, consumers and others, as applicable to him. Such agreements shall include a clause pertaining to payment security mechanism.
- (ix). The Nodal Agency shall prepare the standard agreement formats within 30 days of publication of these regulations and after obtaining due approval of the Commission makes the standard agreement formats available to the public .The agreement formats shall be hosted on the website of the Nodal Agency.
- (x). After agreements have been entered into and copies furnished to the Nodal Agency, the nodal agency shall in form the open access customer the date from which open access will be available, within three days from the date of furnishing agreements.
- (xi). STU/Distribution Licensee shall conduct the system Studies annually or as often as directed by the Commission to provide open access to long-term customers. The System data including the additional loading capacity of lines shall be updated on a continuous basis and shall be made available to the public. Such data shall also be hosted on the licensees' website.  
Notwithstanding the above, if the studies are insisted upon by any person, the system studies shall be carried out by the STU/Distribution licensee by collecting reasonable charges from such person. Such studies shall be completed within 90 days from the date of receipt of charges toward the study and a detailed report shall be furnished to such person.

**8. Applicability of Intra-State ABT:**

Intra-State ABT shall be applicable to users/suppliers who are required to give daily schedules to SLDC, unless excluded from the applicability of ABT under these Regulations. Provided that the applicability of the ABT shall remain suspended for the period of Grid distribution, islanded mode of Grid operation as intimated by SLDC as per provisions of the Tripura Grid Code.

**(A). Generating Stations.**

A Generating Station except the following shall be covered by Intra-State ABT:

- (i). Those covered by Inter-State ABT.
- (ii). Nuclear, Wind and Solar Power Stations.
- (iii). Run of River Hydro Power Stations without storage facility.
- (iv). Power plants of capacity below 10 MW.

**(B). Licensee.**

A distribution/trading licensee shall be covered by Intra-State ABT, if

- i) It draws from generating Stations & Licensees governed by Inter-State and /or Intra-State ABT, and

- ii) Its drawl during any time block exceeds its drawl from Non-ABT sources (i.e. generating ,trading licensee & DISTCO not governed by Inter-State or Intra-State ABT)
- iii) Provided that the schedule of the Trading Licensee shall be merged with the Intra-State Generating Company or Distribution Licensee or Open Access Consumer with whom power is being traded and there shall be no separate energy accounting for the Trading Licensee. Provided further that the transmission consumers of the distribution Licensee (i.e. consumers receiving electricity supply from transmission network at the voltage level of 66 KV and above) though not covered under ABT regime will have to have ABT compliant meters at their interface so that their drawl/schedule may be separately metered and monitored for the same being merged with their distribution Licensee's drawl/schedule.

**(C). Open Access Customers:**

Transmission Open Access Customer, within the State, shall be governed by Intra-State ABT. Provided that drawl schedule of open access customer for working day shall be the normal drawl schedule of the working day and that of holiday shall be the normal drawl schedule of holiday. Any significant deviation of more than 5% shall be treated as gaming and may be disallowed by SLDC.

## Chapter-II

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**AVAILABILITY BASED TARIFF:**

**1. Components of Availability based Tariff:**

The Tariff under the Intra-State ABT regime shall have these components, namely the fixed charges, the energy charges, and the Un-scheduled Inter-change charges (UI charge). The fixed charges shall be linked to availability energy and variable charges to the scheduled energy. The Unscheduled Interchange (UI) rate shall be applicable for the deviations from the schedule.

**1). Fixed charges/Capacity Charges:**

- i) Capacity charges of the generators shall be payable by users on the capacity allocated to purchased by them, irrespective of the quantum of power they draw or schedule to draw, subject to maintenance of availability by the generator at or above the target availability as specified in the relevant regulations or orders of the Commission.
- ii) Recovery of capacity charges below the level of such target availability shall be on pro-rate basis. At zero availability, no capacity charges shall be payable.

- iii) Incentive shall be payable on ex-bus scheduled energy corresponding to scheduled generation in excess of ex-bus energy corresponding to target Plant Load Factor as specified in the relevant regulations or orders of the Commission/PPAs.

**2). Energy Charges:**

- i) Energy charges or variable charges shall be payable by every user on the scheduled energy irrespective of actual drawl.
- ii) Energy charges shall be worked out in accordance with TERC Regulations/Orders/PPAs.

**3). Unscheduled Interchange (UI) charges:**

- (i). Variation between actual generation or actual drawl and scheduled generation or scheduled drawl shall be accounted for through Unscheduled Interchange (UI) charges.
- (ii). UI charges are payable by the user/suppliers for the deviations from the schedule and are dependent on the frequency prevailing at that point of time.
- (iii). UI for a generating station shall be equal to the actual generation minus its scheduled generation.
- (iv). UI for a user shall be equal to its total actual drawl minus its total scheduled drawl.
- (v). The UI rates and threshold frequencies as determined by CERC in its Tariff Regulation for the Eastern region shall apply to the users of the Intra-State grid for such 15 minutes block linked to frequency.
- (vi). The quantum of UI charge shall be inclusive of transmission loss and shall be borne by the entities and rates as approved by CERC shall apply to Intra-State ABT.
- (vii). The average frequency range and UI rates are subject to change through a separate notification by the Commission. Further, these rates may undergo changes based on CERC tariff regulation.
- (viii). In respect of the following only UI charge component of the Intra- state ABT shall be applicable.
  - a). Users wheeling 10 MW or more of their captive generation and synchronized with State Grid.
  - b). All entities/consumers with captive/co-generation of 10 MW or more capacity parallel to the grid with a possibility of feeding into the grid.

**2. Reactive Power Compensation**

Shall be as per the provisions of the Tripura Electricity Grid Code as amended from time to time.

## CHAPTER –III

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### ENERGY ACCOUNTING & COMMERCIAL SETTLEMENT:

#### 1. Scheduling.

- a). All eligible suppliers and users shall comply with the scheduling and dispatch requirements as specified in the Tripura Electricity Grid Code and as per the instructions given by SLDC.
- b). SLDC shall aggregate the requisitions of drawl of power from the DISCTCOs and traders and prepare the dispatch schedule keeping in view the merit order and how best to meet the schedule given by them. The SLDC shall issue the followings, which shall form the basis of Intra-state ABT.
  - (i). Dispatch schedule to RLDC for communication to the **CGSs**.
  - (ii). Dispatch schedule to the State Generators.
  - (iii). Dispatch schedule to Others (**IPPs/CGPs**).
  - (iv). Drawl schedule to the DISTCOs/Open Access Customer/Traders.

Provided that DISTCOs will integrate and merge the drawl schedule of their transmission consumers in their own schedule. The drawl of such transmission consumers shall be integrated and merged with that of the respective DISCTCOs for the sake of energy accounting.

Provided further that the actual injection and drawl not covered under ABT shall be the schedule injection and drawl and shall be accounted first in the energy accounting for the computation of UI.

#### 2. Demonstration of Declared Capability.

The generating stations may be required to demonstrate the declared capability of their generating stations as and when asked by the SLDC. In the event of a generating company failing to demonstrate the declared capacity, the capacity charges due to the generator shall be required as a measure of penalty. In case of captive generating plant, the amount scheduled for sale to any licensee will be under demonstration of declared capacity.



**3. Gaming.**

- a. Generating stations generating up to 105% of the declared capacity in any time block of 15 minutes and averaging up to 101% of the average declared capacity over a day shall not be construed as gaming, and the generator shall be entitled to UI charges for such excess generation above the scheduled generation (SG).
- b. For any generation beyond the prescribed limits, the SLDC shall investigate so as to ensure that there is no gaming, and if gaming is found, the corresponding UI charges due to the generating station on account of such extra generation shall be reduced to zero, and the amount shall be adjusted in UI account of users in the ratio of their capacity share in the generating station.
- c. If any DISTCO or any person under Section 13 or under 8<sup>th</sup> proviso of Section 14 of the Act draw less power than the scheduled drawl in spite of availability of power as per schedule and at the same time has load shedding in his area of supply, then the action shall construed as gaming and no UI charge shall be receivable by him, UI amount shall be adjusted in the UI account of users as in Para (b) above. However, for any direction by SLDC, if such incidence occurs, then UI charge may be receivable to him, if applicable.

**4. Metering and Meter Reading:**

- (i). Metering arrangements , including installation, testing and maintenance of meters and installation of communication facility for the transmission of data shall be the responsibility of the STU on payment basis. STU shall ensure that all interface points are provided with ABT compliant meters and required communication facilities are installed before the stipulate date for implementation of ABT regime as per these Regulations. Collection and transportation of raw data to SLDC shall be the responsibility of individual licensee. Processing of the data required for accounting of energy exchanges and UI account based on average frequency of 15 minute time block shall be done by the SLDC. SLDC shall install required hardware and software for processing and analysis of date for necessary monitoring and control before the stipulated date for implementation of ABT regime as per these Regulations. Initial time synchronization of the meters and further checking and time synchronization, as and when required, shall be done by STU in co-ordination with the licensees and SLDC. All concerned entities (in whose premises the special energy meters are installed) shall fully cooperate with the SLDC and extend necessary assistance by taking weekly meter readings and transmitting them to the SLDC. On the basis of processed data of meters along with data relating to declared capacity and schedules etc., the SLDC shall issue the state

level accounts for energy on monthly basis as well as UI charges on weekly basis. UI accounting procedures shall be governed by the orders of the Commission. In case of any dispute, the matter shall be referred to the Commission for decision, which shall be final.

- (ii). The cost of metering shall be borne by the owners of the meters. Regarding the ownership of meters and its accessories, the entities involved shall follow **Regulation-6 of CEA** (Installation and operation of meters) Regulation, 2006.
- (iii). ABT complaint meters interface meters as per CEA's (Installation and Operation of Meters) Regulations, 2006 shall be provided at the points of injection/drawl, by the respective users who shall also ensure communication of data to SLDC. The time synchronization of the metering system shall be through Global Positioning System (GPS) with counter check from central billing station. Respective users shall bear their own expenses.
- (iv). For the Purpose of Intra-State ABT, the existing metering CTs and PTs/CVTs installed and operated in the system shall be valid until these are replaced by those of specified accuracy and class as specified by CEA in its Regulations.
- (v). All open access customers and transmission consumers shall provide ABT compatible. Special Energy Meters capable of time differentiated measurements (15 minutes) of active energy and voltage differentiated measurement of respective energy as may be specified by the STU or SLDC.
- (vi). Metering and Accounting shall be as per the Tripura Electricity Grid Code as amended from time to time.
- (vii). Where the entry and exit points are connected to the network of transmission system, the metering arrangements, including installation testing and operation and maintenance of meters and collection and transportation of data required for accounting of energy shall be organized by the STU.

## 5. Energy Accounting:

- a). SLDC shall be the agency responsible for implementation of Intra-State ABT. It shall coordinate with ERLDC for application of Inter-State ABT in consultation with generators, transmission licensee, traders, DISTCOs and open access customers. SLDC shall process the metering data received from all the stations and maintain energy account on regular basis and shall take all measures necessary to prevent gaming.

- b). The DISTCOs shall set up their own area load dispatch centre (ALDC) to monitor and control their injection/drawl of power on real time basis and shall set up communication link with SLDC so as to have effective and efficient operation.
- c). All expenses to upgrade necessary software, hardware, human resources, for real time operations and communication of data to SLDC etc. as allowed by the Commission shall recovered.
- d). All stake holders shall comply with the directions of SLDC and provide required assistance on timely and regular basis for smooth operation. SLDC is authorized to impose penalty not exceeding Rupees Five Lakhs in the users for non-compliance of any directions. It shall direct DISTCOs and open access Transmission Customers to disconnect to effect curtailment of supply such a situation.
- e). A State Energy Account, for the billing and settlement of 'Capacity Charge' 'Energy charge' 'UI charge' and 'Reactive charge' shall be prepared by the SLDC.
- f). The SLDC shall be responsible for computation of actual net MWh injection of each generating station and actual net drawl of each user 15 minute-wise, based on the above mentioned meter readings for preparation of the State Energy Accounts.
- g). All computations carried out by SLDC shall be open to all constituents for checks/verification for a period of 15 days. If any mistake/omission is detected, the SLDC shall forthwith make a complete check and rectify the same.
- h). SLDC shall forward the necessary data/schedules to Regional level in line with Regulations formulated by Central Electricity Regulatory Commission.

**6. Commercial settlement :**

- a). The user shall modify their existing PPA's to make it ABT compliant in terms of two part tariff comprising of (i) Capacity charges linked with target availability and (ii) energy charges payable as per schedule of drawl irrespective of actual drawl, in conformity with the existing PPA's, Tariff order of the Commission and (Terms and Conditions for Determination of Tariff) Regulations within 120 days of the publication of these Regulations. In case of any difficulty in modifying the PPA's to make it ABT compliant, the matter may be referred to the Commission within 90 days of the publication of these Regulations for the issue of necessary direction for removing the difficulties.

- b).** The users shall pay to the respective generating companies capacity charges, corresponding to plant availability and energy charges for the scheduled dispatch. However, calculation of capacity charges and energy charges may be made based on TERC (Terms and Conditions for Determination of Tariff) Regulations and Tariff Orders as amended from time to time and as per their bilateral contract whenever it exists. The bills for these Charges shall be issued by the respective generating companies to each user on monthly basis.
- c).** In case of generation in excess of the dispatch schedule given by SLDC the concerned generating company shall be additionally paid for excess generation through the UI mechanism approved by the Commission from time to time.
- d).** In case of actual generation below the dispatch schedule given by the SLDC, the concerned generating company shall pay back through the UI mechanism for the shortfall in generation.
- e).** In case of excess drawl from the drawl schedule given by the SLDC, the users shall be required to pay through the UI mechanism for the excess energy.
- f).** In case of under drawl, the users shall be paid back through the UI mechanism for the energy not drawn.
- g).** The summation of station-wise ex-power plant dispatch schedules from each generating station and any bilaterally agreed interchanges of each user shall be adjusted for transmission losses, and the net drawl/schedule so calculated shall be compared with the actual net drawl of the user.
- h).** Payment of UI and Reactive energy charges needs to be made as specified by TEGC.
- i).** The SLDC/STU may insist on appropriate payment security mechanism by way of Bank Guarantee or Bank Draft equal to three days billing either receivable or payable.
- j).** Delay in payment of UI and VAr charges shall invite payment of interest as specified TEGC.
- k).** If total payment receivable in the UI pool account is higher or lower than UI payable, then UI payable/receivable shall be properly adjusted to make the payable and receivable equal.

- l). The money remaining after pay out of all VAR charges shall be utilized as outlined in the TEGC.
- m). In case the voltage profile of a State Grid improves to an extent that the total pay-out from the State VAR charges account for a week exceeds the total amount being paid in for that week, and if the State reactive account has no balance to meet the deficit, the pay-outs shall be proportionately reduced according to the total money available in the above account.
- n). All 15 minute energy figures (net scheduled actually metered and UI ) shall be rounded off to the nearest 0.01 MWh.

## CHAPTER-IV

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### **BANK AND CAPACITY ALLOCATION**

**1. Banking:**

No generator shall be allowed the facility of banking the electricity generated by them, nor will such facility be extended to any open access customers.

**2. Status of Capacity/Energy Allocation to DISCOs**

The Government of Tripura shall finalize the allocation of the capacity/energy from the PPA's to the DISTCOs constituted after restructuring ,based on the DISTCOs load requirements, and communicate the same to the Commission.

**3. Two-Part Tariff:**

A two part tariff shall be implemented for all the generating Stations and DISTCOs within the State to facilitate implementation of Intra –Stat ABT.

## CHAPTER –V

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### **MISCELLANEOUS**

**1. Issue of Orders and Practice Directions:**

Subject to the provisions of the Electricity Act, 2003 and these Regulations, the Commission may from time to time issue Orders and Practice Directions in regard to the implementation of these Regulations and procedure to be followed on various matters,

which the Commission has been empowered by these Regulations to specify and direct, and matters incidental or ancillary thereto.

**2. Savings :**

- a). Nothing in these Regulations shall be deemed to limit or otherwise affect the power of the Commission to make such orders as may be necessary to meet ends of justice.
- b). Nothing in these Regulations shall bar the Commission from adopting in conformity with provisions of the Act, a procedure which is at variance with any of the provisions of these Regulations, if the Commission, in view of the special circumstances of a matter or a class of matters, deems it just or expedient such matter or class of matters.
- c). Nothing in these Regulations shall expressly or impliedly , bar the Commission dealing with any matter or exercising any power under the Act for which no regulations have been framed, and the Commission may deal with such matters, powers and functions in a manner , as it considers just and appropriate .

**3. Powers of the Commission to Amend:**

The Commission may, at any point of time, as its sole direction, vary, alter, modify, add or amend any provisions of these Regulations.

**4. Powers to Remove Difficulties:**

If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may, with reasons to be recorded in writing, direct the users/beneficiaries/generators, by general or special order, for taking suitable action not inconsistent with the provisions of the Act, as may appears to be necessary for removing the difficulty.

*BY Order of the Commission*  
*DNY*  
*Secretary* 23/12  
2011  
*TERC*