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BIHAR ELECTRICITY REGULATORY COMMISSION, PATNA TERMS AND CONDITIONS OF INTRA-STATE OPEN ACCESS

NOTIFICATION

The 13th July, 2018

No. BERC-SMP-03/2018-10—In exercise of the powers conferred by section 181, read with section 42 of the Electricity Act, 2003 (36 of 2003), and all other powers enabling it in this behalf, and after previous publication, the Bihar Electricity Regulatory Commission hereby makes the following Regulations:-

CHAPTER 1

PRELIMINARY

1. **Short Title, Extent and Commencement**
 - (1) These regulations may be called the Bihar Electricity Regulatory Commission **(Terms and Conditions of Intra-State Open Access) Regulations, 2018.**
 - (2) These Regulation shall extend to the whole of the State of Bihar.
 - (3) These regulations shall apply to open access for use of intra-State transmission system and/or distribution systems in the State, including when such system is used in conjunction with inter-State transmission system.

- (4) These regulations shall come into force on the date of publication in the Official Gazette.

2. Definitions

- (1) In these regulations, unless the context otherwise requires
- (a) "Act" means the Electricity Act, 2003 (36 of 2003);
 - (b) "Allotted Capacity" means the power transfer in MW between the specified point(s) of injection and point(s) of drawal allowed to a long-term/medium-term customer on the intra-State transmission system and the expression "allotment of capacity" shall be construed accordingly;
 - (c) "Applicant" means a consumer, trader, distribution licensee or a Generating company who has applied seeking connectivity or open access as the case may be
 - (d) "Central Commission" means the Central Electricity Regulatory Commission referred to in Section 76 of the Act;
 - (e) "Commission" or "BERC" means the Bihar Electricity Regulatory Commission;
 - (f) "Consumer" shall carry the same meaning as in the Act, but shall be restricted to such consumers within the State of Bihar to whom these regulations will apply.
 - (g) "Contracted load" or "Contracted demand" means the load in kW/HP/kVA (kilo Watt/Horse Power/kilo Volt Ampere) which the distribution licensee has agreed to supply from time to time subject to the governing terms and conditions;
 - (h) "Day" means a day starting at 00.00 hours and ending at 24.00 hours;
 - (i) "Distribution licensee" means any person licensed under Part IV of the Act for distribution and retail supply of electricity in the State of Bihar;
 - (j) "IEGC" means Indian Electricity Grid Code Specified by Central Electricity Regulatory Commission under clause (h) of sub-section (1) of section 79 of the Act, and as amended from time to time;
 - (k) "Imbalance" in a time block for a generating station means its total actual generation minus its total scheduled generation and for a consumer or buyer means its total drawal minus its total scheduled drawal.
 - (l) "Long-term access" means the right to use the intra-State transmission system or distribution system for a period exceeding seven (7) years.
 - (m) "Medium-term open access" means the open access for a period exceeding three months but not exceeding five (5) years.
 - (n) "Month" means a calendar month as per the Gregorian calendar;

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- (o) "Nodal agency" means the nodal agency defined in Regulation 11 of these regulations;
 - (p) "Open access" means the nondiscriminatory provision for the use of transmission lines or distribution system or associated facilities with such lines or system by any licensee or consumer or a generating company in accordance with these regulations and includes long term, medium-term and short-term open access.
 - (q) "Open access customer" means a consumer, buyer, seller trader, distribution licensee or a generating company who has been granted open access under these regulations.
 - (r) "Reserved Capacity" means the power transfer in MW between the specified point(s) of injection and point(s) of drawal allowed to a short-term customer on the transmission/distribution system depending on availability of transmission/distribution capacity and the expression "reservation of capacity" shall be construed accordingly;
 - (s) "Short-term open access" means open access for a period up to one month at a time.
 - (t) "SLDC" means the State Load Despatch Centre established under subsection (1) of section 31 of the Act;
 - (u) "State Grid Code" means the Bihar Electricity Grid Code specified by the Commission under clause (h) of sub-section (1) of section 86 of the Act,
 - (v) "State transmission Utility (STU)" means the State Electricity Board or the Government Company notified by the State Government under sub-section (1) of section 39 of the Act;
 - (w) "Transmission licensee" means any person licensed under Part IV of the Act for transmission of electricity.
 - (x) "Transmission System Segment" means a part or whole of the transmission system from the point of injection to the point of drawal.
 - (y) "Wheeling" means the operation whereby the distribution system and associated facilities of a transmission Licensee or distribution Licensee, as the case may be, are used by another person for the conveyance of electricity on payment of charges to be determined under section 62 of the Electricity Act 2003;
 - (2) Words and expressions used and not defined in these regulations but defined in the Act or IEGC or the Bihar Electricity Grid Code, Bihar 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.

CHAPTER 2

CONNECTIVITY

3. Connectivity

- (1) A consumer having load of 10 MW and above or a Generating Station having capacity of 10 MW and above shall be eligible to obtain connectivity to the intra-State transmission system, unless already connected, and shall apply for connectivity, in accordance with the provisions in this chapter.
- (2) A Generating Station having installed capacity less than 10 MW shall be eligible to obtain connectivity to the Distribution system and shall apply for connectivity as per the provisions of these regulations, unless already connected, in accordance with the provisions in this chapter

4. Application procedure for Connectivity to intra-State transmission system

- (1) Applicant shall apply to the STU for connectivity in the Form prescribed in the detailed procedure to be laid down by the STU.
- (2) The Application shall be accompanied by a non-refundable fee of Rs. two lakh through demand draft or any other mode in accordance with the detailed procedure referred to in Regulation 4(1) of these Regulations.
- (3) The application for connectivity shall contain details such as proposed geographical location of the applicant, quantum of power to be interchanged i.e. the quantum of power to be injected in case of a generating station including a captive generating plant and quantum of power to be drawn in case of consumer with the intra-State transmission system and such other details as may be laid down by the State Transmission Utility in the detailed procedure:

Provided that in cases where once an application has been filed and thereafter there has been any material change in the location of the applicant or change, by more than 10 percent in the quantum of power to be interchanged with the intra-State transmission system, the applicant shall make a fresh application.

5. Processing of Application and Grant of connectivity to STU

- (1) On receipt of the application, the STU shall, in consultation and through coordination with other agencies involved in the intra-State transmission, process the application and carry out the necessary interconnection study

as specified in the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007 and its amendments from time to time.

- (2) While granting connectivity, the STU shall specify the name of the substation or pooling station or switchyard where connectivity is to be granted. In case connectivity is to be granted by looping-in and looping-out of an existing or proposed line, the STU shall specify the point of connection and name of the line at which connectivity is to be granted. The STU shall indicate the broad design features of the dedicated transmission line and the timeframe for completion of the dedicated transmission line.
- (3) The applicant shall sign a connection agreement with the State Transmission Utility or intra-State transmission licensee owning the substation or pooling station or switchyard or the transmission line as identified by the STU where connectivity is being granted:

Provided that in case connectivity of a generating station, including captive generating plant or consumer is granted to the intra-State transmission system of an intra-State transmission licensee other than the State Transmission Utility, a tripartite agreement as provided in the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007 shall be signed between the applicant, the State Transmission Utility and such intra-State transmission licensee.

- (4) The grant of connectivity shall not entitle an applicant to interchange any power with the grid unless it obtains long-term access, medium term open access or short-term open access in accordance with the provisions of these regulations.

Provided that a generating station, including captive generating plant which has been granted connectivity to the grid shall be allowed to undertake testing including full load testing by injecting its infirm power into the grid before being put into commercial operation, even before availing any type of open access, after obtaining permission of the State Load Despatch Centre, which shall keep grid security in view while granting such permission.

- (5) Commercial treatment of such infirm power referred to in Regulation 5(4) of these Regulations from a generating station or a unit thereof, the tariff of which is determined by the Commission, will be governed by the

relevant Regulations on Terms and Conditions of Tariff notified by the Commission from time to time.

Provided further that the power injected into the grid from other generating stations, as a result of such testing, shall be charged at the charges for imbalance determined by the Commission or at UI charges where charges of imbalance have not notified by the Commission.

- (6) An applicant may be required by the State Transmission Utility to construct a dedicated line to the point of connection to enable connectivity to the grid, unless exempted by the Commission for reasons to be recorded in writing.
- (7) The STU shall convey its decision on grant of connectivity or otherwise within a period of 60 days from the date of receipt of application.

6. Application procedure for Connectivity to distribution system by a generating station

- (1) All eligible generating stations including a captive generating plant, seeking connectivity to the distribution system, shall apply to the distribution licensee for connectivity in the Form prescribed in the procedure to be laid down by the Distribution Licensee.
- (2) The Application shall be accompanied by a non-refundable fee of Rs. two lakh through demand draft or any other mode in accordance with the detailed procedure referred to in Regulation 6(1) of these Regulations
- (3) The application for connectivity shall contain details such as, proposed geographical location of the generating station, quantum of power to be injected and such other details as may be laid down by the distribution licensee concerned in the detailed procedure.

Provided that in cases where once an application has been filed and thereafter there has been a material change in the location of the generating stations or change by more than 10% in the quantum of power to be injected, the Generating Company shall make a fresh application.

7. Processing of Application and Grant of connectivity to distribution system by a generating station

- (1) On receipt of the application, the distribution licensee shall, in consultation and through coordination with State Transmission Utility, process the application and carry out the necessary inter-connection study as specified in the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007 and its amendments from time to time.

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- (2) While granting connectivity, the distribution licensee shall specify the name of the sub-station or pooling station or switchyard where connectivity is to be granted.
 - (3) The distribution licensee shall indicate the broad design features such as switchyard and interconnection facility upto the point of injection into the Substation of the distribution licensee and the timeframe for completion of the same.
 - (4) The applicant shall sign a connection agreement with the distribution licensee where connectivity is being granted.
 - (5) The grant of connectivity shall not entitle an applicant to interchange any power with the grid unless it obtains long-term access, medium term open access or short-term open access in accordance with the provisions of these regulations.

Provided that a generating station, including captive generating plant which has been granted connectivity to the distribution system shall be allowed to undertake testing including full load testing by injecting its infirm power into the grid before being put into commercial operation, even before availing any type of open access, after obtaining permission of the State Load Despatch Centre and the distribution licensee, who shall keep grid security in view while granting such permission.

- (6) Commercial treatment of such infirm power referred to in Regulation 7(5) of these Regulations from a generating station or a unit thereof, the tariff of which is determined by the Commission, will be governed by the relevant Regulations on Terms and Conditions of Tariff notified by the Commission from time to time. Provided further that the power injected into the grid from other generating stations as a result of such testing, shall be charged at the charges for imbalance determined by the Commission or UI charges where charges of imbalance have not notified by the Commission.
- (7) An applicant may be required by the distribution licensee to construct the switchyard and inter-connection facility upto the point of injection, unless exempted by the Commission for the reason to be recorded in writing.
- (8) In cases where augmentation of the distribution licensee's sub-station is involved, the generating station shall also bear the cost of bay, breaker in the distribution licensee's substation and equipment for inter-connection of real time data to SLDC.

- (9) The distribution licensee shall convey its decision on grant of connectivity or otherwise within a period of 60 days from the date of receipt of application.

CHAPTER 3

GENERAL PROVISIONS FOR OPEN ACCESS

8. Eligibility for Open Access and conditions to be satisfied

- (1) The generating companies, captive generating plants and consumers shall be eligible for non-discriminatory open access to the intra-State transmission system or distribution system on payment of transmission and other charges as may be determined by the Commission in accordance with Chapter 5 of the these regulations.
- (2) Open access shall be permissible to the consumers seeking open access for a capacity of 1 MW and above.

Provided that the Commission may allow open access to consumers seeking open access for capacity less than 1 MW at such time as it may consider feasible having regard to operational constraints and other factors.

Provided further that when a person, who has established a captive generating plant, opts for open access for carrying the electricity to the destination of his own use, the limitation of 1 MW shall not be applicable.

- (3) Notwithstanding anything contained in these Regulations, a person having outstanding dues against him for more than two months billing of distribution/transmission licensee at the time of application shall not be eligible for open access.

9. Criteria for granting long-term access or medium-term open access or short term open access

- (1) The State Transmission Utility shall have due regard to the augmentation required for the intra-State transmission system before awarding long-term access.
- (2) Medium-term open access or short-term open access shall be granted if the resultant power flow can be accommodated in the existing transmission system or the transmission system under execution:
Provided that no augmentation shall be carried out to the transmission system for the sole purpose of granting medium-term open access or short-term open access:

Provided further that construction of a dedicated transmission line shall not be construed as augmentation of the transmission system for the purpose of this regulation.

CHAPTER 4

APPLICATION PROCEDURE AND APPROVAL

10. Categories of Open Access Consumers

The eligible consumers seeking Open Access shall be categorized based on the following criteria:

- (1) System to which connected
 - (a) Intra-State transmission system
 - (b) Distribution system
- (2) Inter-se location of drawal and injection points
 - (a) Both within the same distribution system
 - (b) Both within the State but in different distribution systems
 - (c) Both in different States
- (3) Duration of Open Access
 - (a) Long term open access
 - (b) Medium-term open access
 - (c) Short-term open access

11. Application procedure for Open Access

- (1) All applications for open access shall be made in the prescribed Form and submitted to the Nodal agency in accordance with these regulations.
- (2) Subject to the provisions of these regulations, the Nodal agency, Application fee, Documents to be accompanied with the application and time frame for disposal of application shall be as specified in the following Tables:

Table-1									
Consumer connected to Distribution System									
Sl.No	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)		Documents to accompany the application	Time frame for disposal of application (days from the receipt of application)	Applicable Charges	Applicable Losses
				For Capacity of 10 MW and above	For capacity less than 10 MW				
1	Short-Term Open Access(STOA)	Both within the same Distribution licensee	Concerned Distribution Licensee	2000	2000	• Proof of payment of Application fee.	• 7 working days in case STOA applied for first time. • 3 working days on subsequent STOA applications.	• Wheeling charge • Cross Subsidy surcharge • Additional surcharge, if any • Imbalance and Reactive Energy Charges, as applicable • Scheduling and	• Distribution loss in kind at relevant voltage level.

Table-1									
Consumer connected to Distribution System									
Sl.No	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)		Documents to accompany the application	Time frame for disposal of application (days from the receipt of application)	Applicable Charges	Applicable Losses
				For Capacity of 10 MW and above	For capacity less than 10 MW				
								System Operating charges	
2		Both within the same State but in areas of different Distribution Licensees	SLDC	5000	5000	• Proof of payment of Application fee, • Consent from concerned Distribution licensees.	• 7 working days in case STOA applied for first time. • 3 working days on subsequent STOA applications.	• Wheeling charge • Cross Subsidy surcharge • Additional surcharge, if any • Imbalance and Reactive Energy Charges, as applicable. • Scheduling and system Operating Charges as applicable. • Transmission Charge (Intra-State)	• Distribution loss in kind at relevant voltage level in respect of both Distribution Licensees • Transmission loss in kind. (Intra-State)
3	Short-Term Open Access (STOA)	Injection point in the Intra-State transmission system within the State	SLDC	5000	5000	• Proof of payment of Application fee. • Consent from concerned Distribution licensees.	• 7 working days in case STOA applied for first time. • 3 working days on subsequent STOA applications.	• Wheeling charge • Cross Subsidy surcharge • Additional surcharge, if any • Imbalance and Reactive Energy Charges, as applicable • Scheduling and system operating charges, as applicable. • Transmission charge (Intra-State)	• Distribution loss in kind at relevant voltage level. • Transmission loss in kind. (Intra-State)
4		In different States	NLDC or RLDC of the region where consumer is located, as the case may be	5000	5000	• Proof of payment of Application fee, • Consent from concerned SLDCs and Distribution licensees as applicable.	As per Central Commission's Regulation	• Wheeling charge • Cross Subsidy surcharge • Additional surcharge, if any • Imbalance and Reactive Energy charges, as applicable. • Scheduling and system Operating charges, as applicable • Transmission Charge (Intra-State and Inter State)	• Distribution loss in kind at relevant voltage level . • Distribution Licensees • Transmission loss in kind. (Intra-State)

Table-1									
Consumer connected to Distribution System									
Sl.No	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)		Documents to accompany the application	Time frame for disposal of application (days from the receipt of application)	Applicable Charges	Applicable Losses
				For Capacity of 10 MW and above	For capacity less than 10 MW				
5	Medium-Team Open Access(MTOA)	Both within the same Distribution licensee	Concerned Distribution licensee	50000	25000	• Proof of payment of Application fee, • PPA or Sale-Purchase agreement of power, • In case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of MTOA.	20 working days	• Wheeling Charge • Cross Subsidy surcharge • Additional surcharge, if any • Stand-by charges, if any • Imbalance and Reactive Energy Charges, as applicable • Scheduling and system operating charges, as applicable	• Distribution loss in kind at relevant voltage leave.
6		Both within the same State but different Distribution Licensees	STU	100000	50000	• Proof of payment of Application fee, • PPA or Sale-purchase agreement of power, • In case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of MTOA. • Consent from concerned distribution licensees	40 working days	• Wheeling charge • Cross Subsidy surcharge • Additional surcharge, if any • Stand-by Charges, if any • Imbalance and Reactive Energy Charges, as applicable • Scheduling and system Operating Charges as applicable. • Transmission charge (Intra-State)	• Distribution loss in kind at relevant voltage level in respect of both Distribution Licensees • Transmission loss in kind. (Intra-State)
7		Injection point in the Intra-State transmission system within the State	STU	100000	50000	• proof of payment of Application fee, • PPA or Sale-purchase agreement of power, • In case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of MTOA, • Consent form concerned Distribution licensees	40 working days	• Wheeling charge • Cross subsidy surcharge • Additional surcharge, if any • Imbalance and Reactive Energy charges as applicable. • Scheduling and system Operating Charges, as applicable. • Transmission Charges (Intra-State) • Standby charges if any	• Distribution loss in kind at relevant voltage level. • Transmission loss in kind. (Intra-State)

Table-1									
Consumer connected to Distribution System									
Sl.No	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)		Documents to accompany the application	Time frame for disposal of application (days from the receipt of application)	Applicable Charges	Applicable Losses
				For Capacity of 10 MW and above	For capacity less than 10 MW				
8		In different States	CTU	100000	100000	• Proof of payment of Application fee, • PPA or Sale purchase agreement of power, • In case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of MTOA, • Consent from concerned SLDCs and Distribution licensees, as applicable	As per Central Commission's Regulation	• Wheeling Charges • Cross Subsidy surcharge • Additional surcharge, if any • Stand-by charges, if any • Imbalance and Reactive Energy charges, as applicable. • Scheduling and system Operating Charges, as applicable • Transmission charge (Intra-State and Inter State).	• Distribution loss in kind at relevant voltage level • Transmission loss in kind. (Intra-State and Inter State).
9	Long-Term Open Access (LTOA)	Both within the same Distribution licensee	Concerned Distribution Licensee	50000	25000	• Proof of payment of Application fee, • PPA or Sale-purchase agreement of power, • In case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of LTOA	20 working days	• Wheeling Charge, • Cross Subsidy surcharge • Additional surcharge, if any • Stand-by charges, if any • Imbalance and Reactive Energy Charges, as applicable. • Scheduling and system operating charges, as applicable	• Distribution loss in kind at relevant voltage level.
10		Both within the same State but different Distribution Licensees	STU	100000	50000	• Proof of payment of Application fee, • PPA or Sale-purchase agreement of power, • In case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of LTOA, • Consent from concerned	• 120 days where augmentation of transmission system is not required • 150 days where augmentation of transmission system is required.	• Wheeling charge • Cross subsidy surcharge • Additional surcharge, if any • Stand by Charges, if any • Imbalance and Reactive Energy charges, as applicable. • Scheduling and system Operating Charges as applicable. • Transmission	• Distribution loss in kind at relevant voltage level in respect of both Distribution Licensees. • Transmission loss in kind. (Intra-State)

Table-1									
Consumer connected to Distribution System									
Sl.No	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)		Documents to accompany the application	Time frame for disposal of application (days from the receipt of application)	Applicable Charges	Applicable Losses
				For Capacity of 10 MW and above	For capacity less than 10 MW				
						distribution licensees		charge (Intra-State)	
11		Injection point in the intra State transmission system within the state	STU	100000	50000	• Proof of payment of Application fee, • PPA or Sale-purchase agreement of power, • In case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of LTOA, • Consent from concerned Distribution licensee	• 120 days where augmentation of transmission system is not required. • 150 days where augmentation of transmission system is required.	• Wheeling charge • Cross subsidy surcharge • Additional surcharge if any • Stand by Charges, if any • Imbalance and Reactive Energy charges, as applicable. • Scheduling and system Operating charges as applicable. • Transmission charge (Intra-State)	• Distribution loss in kind at relevant voltage level. • Transmission loss in kind (Intra-State)
12		In different States	CTU	100000	100000	• Proof of payment of Application fee, • PPA or Sale-purchase agreement of power, • In case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of LTOA, • Consent from concerned SLDCs and Distribution licensees, as applicable	• As per Central Commission's Regulation	• Wheeling charge • Cross subsidy surcharge • Additional surcharge if any • Stand by Charges, if any • Imbalance and Reactive Energy charges, as applicable. • Scheduling and system Operating charges as applicable. • Transmission charge (Intra-State and Inter-State)	• Distribution loss in kind at relevant voltage level. • Transmission loss in kind (Intra-State and Inter-State)

Table 2									
Consumer connected to intra-State Transmission System									
SL. No	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)		Documents to accompany the application	Time frame for disposal of application	Applicable Charges	Applicable Losses
				For capacity of 10 MW and above	For capacity less than 10 MW				
1	Short-Term Open Access(STOA)	Both within the same State(In the Intra-State transmission system)	SLDC	5000	5000	• Proof of payment of Application fee.	• 7 working days in case STOA applied for first time. • 3 working days on subsequent STOA applications.	• Wheeling charge, if applicable • Transmission charge (Intra-State) • Imbalance and Reactive Energy Charges, as applicable • Scheduling and system Operating charges, as applicable • Additional surcharge, if any • Cross-subsidy charge, as applicable	• Transmission loss in kind (Intra-State).
2		Injection point in the distribution system within the State	SLDC	5000	5000	• Proof of payment of Application fee, Consent from concerned Distribution licensees.	• 7 working days in case STOA applied for first time. • 3 working days on subsequent STOA applications.	• Wheeling charges, as applicable • Imbalance and Reactive Energy Charges, as applicable • Scheduling and system Operating charges, as applicable. • Transmission Charge (Intra-State) • Additional surcharge, if any • Cross-subsidy charge, as applicable	• Distribution loss in kind at relevant voltage level • Transmission loss in kind. (Intra-State)
3		In different States	NLDC or RLDC of the region where consumer is located, as the case may be	5000	5000	• Proof of payment of Application fee, Consent from SLDCs and concerned Distribution licensee as applicable	As per Central Commission's Regulations	• Wheeling charge, if applicable • Transmission charge (Intra-State and Inter-State) • Imbalance and Reactive Energy Charges, as applicable • Scheduling and system Operating charges, as applicable • Additional surcharge, if any • Cross-	• Transmission loss in kind. (Intra-State and Inter-State)

Table 2									
Consumer connected to intra-State Transmission System									
SL. No	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)		Documents to accompany the application	Time frame for disposal of application	Applicable Charges	Applicable Losses
				For capacity of 10 MW and above	For capacity less than 10 MW				
								subsidy charge, as applicable	
4	Medium-Term Open Access (MTOA)	Both within the same State (in the intra-State transmission system)	STU	100000	50000	• Proof of payment of Application fee, • PPA or Sale-purchase agreement of power, • In case of generating station or consumer not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of MTOA.	20 working days	• Imbalance and Reactive Energy Charges, as applicable. • Scheduling and system Operating Charges, as applicable • Transmission Charge (Intra-State). • Wheeling Charge, if applicable • Standby charges, if any • Additional surcharge, if any • Cross-subsidy charge	• Transmission Loss in kind. (Intra-State).
5		Injection point in the distribution system within the State	STU	100000	50000	• Proof of payment of Application fee, • PPA or Sale-purchase agreement of power, • In case of generating station or consumer not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of MTOA. • Consent concerned Distribution licensee.	20 working days	• Wheeling Charge as applicable, • Imbalance and Reactive Energy Charges, as applicable. • Scheduling and system Operating Charges, as applicable, • Transmission Charge (Intra-State) • Standby charges, if any • Additional surcharge, if any • Cross-subsidy charge	• Distribution loss in kind at relevant voltage level.
6		In different States	CTU	100000	100000	• Proof of payment of Application fee, • PPA or Sale-purchase agreement of power, • In case of generating station or consumer not already connected to grid,	As per Central Commission's Regulation	• Imbalance and Reactive Energy Charges, as applicable. • Scheduling and system Operating Charges as applicable. • Transmission Charge	• Transmission Loss in kind. (Intra-State and Inter-State).

Table 2									
Consumer connected to intra-State Transmission System									
SL. No	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)		Documents to accompany the application	Time frame for disposal of application	Applicable Charges	Applicable Losses
				For capacity of 10 MW and above	For capacity less than 10 MW				
						documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of MTOA. • Consent from concerned SLDCs and Distribution licensee as applicable.		(Intra-State and Inter-State) • Wheeling Charge, if applicable • Standby charges, if any Additional surcharge, if any • Cross-subsidy charge	
7	Long Tern Access(LTOA)	Both within the same State(in the intra- State transmission system)	STU	200000	100000	• Proof of payment of Application fee, • Bank Guarantee • PPA or Sale-purchase agreement of power, • In case of generating station or consumer not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of LTOA.	• 120 days where augmentation of transmission system is not required. • 150 days, where augmentation of transmission system is required.	• Imbalance and Reactive Energy Charges, as applicable. • Scheduling and system Operating Charges as applicable. • Transmission Charge (Intra-State) • Wheeling Charge, if applicable • Standby charges, if any Additional surcharge, if any • Cross-subsidy charge	• Transmission Loss in kind (Intra-State).
8		Injection point in the distribution system within the State	STU	200000	100000	• Proof of payment of Application fee, • Bank Guarantee • PPA or Sale-purchase agreement of power, • In case of generating station or consumer not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending	• 120 days where augmentation of transmission system is not required. • 150 days, where augmentation of transmission system is required.	• Wheeling Charges, as applicable, • Imbalance and Reactive Energy Charges, as applicable. • Scheduling and system Operating Charges, as applicable, • Transmission Charge (Intra-State). • Standby charges, if any Additional surcharge, if any • Cross-subsidy	• Distribution Loss in kind at relevant voltage level • Transmission Loss in kind. (Intra-State).

Table 2									
Consumer connected to intra-State Transmission System									
SL. No	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)		Documents to accompany the application	Time frame for disposal of application	Applicable Charges	Applicable Losses
				For capacity of 10 MW and above	For capacity less than 10 MW				
						date of LTOA. • Consent from concerned Distribution licensee.		charge	
9		In different States	CTU	200000	200000	• Proof of payment of Application fee, • Bank Guarantee • PPA or Sale-purchase agreement of power, • In case of generating station or consumer not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of LTA. • Consent from concerned STU and Distribution licensee as applicable.	As per Central Commission's Regulation	• Imbalance and Reactive Energy Charges, as applicable. • Scheduling and system Operating Charges as applicable. • Transmission Charge (Intra-State and Inter-State) • Wheeling Charge, if applicable • Standby charges, if any • Additional surcharge, if any • Cross-subsidy charge, as applicable	• Transmission Loss in kind. (Intra-State and Inter-State).

12. Procedure for Long Term Open Access

- (1) **Involving inter-State transmission system:** Notwithstanding anything contained in clauses (2) and (3) herein below, procedure for inter-State long-term Open Access shall be as per Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 or its statutory re-enactments as amended from time to time.

Provided that in respect of a consumer connected to a distribution system seeking Inter-state Long Term Open Access, the SLDC, before giving its consent as required under the Central Commission's regulations, shall obtain the consent of the distribution licensee concerned.

- (2) **Involving only intra-State transmission system:** Subject to the provisions of clause (1) herein above, intra-State long-term Open Access

involving intra-State transmission system shall be in accordance with the provisions of sub-clause (a) to (i) herein below.

- (a) The application for grant of long-term open access shall contain details such as name of the entity or entities from whom electricity is proposed to be procured along with the quantum of power and such other details as may be laid down by the State Transmission Utility in the detailed procedure.

Provided that in case where augmentation of transmission system is required, the applicant shall also have to bear the transmission charges for the same as per these regulations:

Provided further that in cases where there is any material change in location of the applicant or change by more than 10 percent in the quantum of power to be interchanged using the intra-State transmission system, a fresh application shall be made by the applicant in accordance with these regulations.

- (b) The applicant shall submit any other information sought by the nodal agency including the basis for assessment of power to be interchanged using the intra-State transmission system and power to be transmitted to or from various entities or regions to enable the nodal agency to plan the intra-State transmission system in a holistic manner.
- (c) The application shall be accompanied by a non-refundable application fee and a bank guarantee of Rs10,000/- (ten thousand) per MW of the total power to be transmitted. The bank guarantee shall be in favour of the nodal agency, in the manner laid down under the detailed procedure.
- (d) On receipt of the application, the nodal agency shall, in consultation and through coordination with other agencies involved in intra-State transmission system to be used, process the application and carry out the necessary system studies as expeditiously as possible so as to ensure the decision to grant or reject long-term open access within the timeframe specified in these Regulations. The cost of system study done for long term open access customer has to be borne by the long term open access customer.

Provided that no application shall be rejected by the nodal agency without giving opportunity of being heard to the consumer and reasons to be recorded in writing

Provided further that if the consumer is aggrieved with the decision of the nodal agency, may approach the Commission serving a copy of the petition to the nodal agency concerned.

- (e) Based on the system studies, the nodal agency shall specify the intra-State transmission system that would be required to give long-term access. In case augmentation to the existing intra-State transmission system is required, the same will be intimated to the applicant. The cost of system study done for long term open access has to be borne by the long term open access customer.
- (f) While granting long-term access, the nodal agency shall communicate to the applicant, the date from which long-term open access shall be granted and an estimate of the transmission charges likely to be payable based on the prevailing costs, prices and methodology of sharing of transmission charges specified by the Commission.
- (g) The applicant shall sign an agreement for long-term access with the State Transmission Utility in case long-term open access is granted by the State Transmission Utility, in accordance with the provision as may be laid in the detailed procedure. While seeking long-term open access to an intra-State transmission licensee, other than the State Transmission Utility, the applicant shall sign a tripartite long-term access agreement with the State Transmission Utility and the intra-State transmission licensee. The long-term open access agreement shall contain the date of commencement of long-term access, the point of injection of power into the grid and point of drawal from the grid and the details of dedicated transmission lines, if any, the bank guarantee required to be given by the applicant and other details in accordance with the detailed procedure. In case augmentation of transmission system is required, the long-term open access agreement shall also contain the time line for construction of the facilities of the applicant.
- (h) Immediately after grant of long-term access, the nodal agency shall inform the State Load Despatch Centre within two working days from the date of grant of open access/ signing of the agreement. SLDC shall inform the Open Access customer, the date from which Open Access will be available which shall not be later than 5 days from the date of furnishing of agreements by the Open Access Customer.
- (i) On expiry of the period of long-term open access, the same shall stand extended on a written request by the consumer, to the Sate Transmission

Utility, submitted at least six months prior to such expiry, mentioning the period for which extension is required.

Provided that in case no written request is received from the consumer within the timeline specified above, the said long-term open access shall stand terminated on the date of its expiry.

- (3) **Within same distribution system:** The procedure specified in clause (2) above shall, mutatis mutandis, apply to cases of long-term open access when the point of injection and the point of drawal are located in the same distribution system except that SLDC shall be understood as distribution licensee.

13. Procedure for medium-term open access

- (1) **Involving inter-State transmission system:** Notwithstanding anything contained in clauses (2) and (3) herein below, procedure for inter-State medium-term open access shall be as per Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Open Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 or its statutory re-enactment as amended from time to time.

Provided that in respect of a consumer connected to a distribution system seeking inter-State medium-term open access, the SLDC, before giving its consent as required under the Central Commission's regulations, shall obtain the consent of the distribution licensee concerned.

- (2) **Involving only intra-State transmission system:** Subject to the provisions of clause (1) herein above, intra-State medium-term open access involving intra-State transmission system shall be in accordance with the provisions of clause (a) to (h) herein below.

- (a) The application for grant of medium-term open access shall contain such details as may be laid down under the detailed procedure and shall, in particular, include the point of injection into the grid, point of drawal from the grid and the quantum of power for which medium-term open access has been applied for.

Provided that in cases where there is any material change in location of the applicant or change by more than 10% in quantum of power to be interchanged using intra-state transmission system, a fresh application shall be made by the applicant in accordance with these regulations.

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- (b) The start date of the medium-term open access shall not be earlier than 5 months and not later than 1 year from the last day of the month in which application has been made.
 - (c) The application shall be accompanied by a non-refundable application fee.
 - (d) On receipt of the application, the nodal agency shall, in consultation and through coordination with other agencies involved in intra-State transmission, process the application and carry out the necessary system studies as expeditiously as possible so as to ensure that the decision to grant or reject medium-term open access within the timeframe specified in these Regulations. The cost of system study to be done for medium term open access customer has to be borne by medium term open access customer.

Provided that no application shall be rejected by the nodal agency without giving opportunity of being heard to the consumer

Provided further that if the consumer is aggrieved with the decision of the nodal agency, may approach the Commission serving a copy of the petition to the nodal agency concerned.

- (e) The nodal agency on being satisfied that the requirements specified under these Regulations are met, shall grant medium-term open access for the period stated in the application.

Provided that for reasons to be recorded in writing, the nodal agency may grant medium-term open access for a period less than that sought for by the applicant:

- (f) The applicant shall sign an agreement for medium-term open access with the State Transmission Utility, in accordance with the provision as may be laid in the detailed procedure. While seeking medium-term open access to an intra-State transmission licensee, other than the State Transmission Utility, the applicant shall sign a tripartite medium-term open access agreement with the State Transmission Utility and the intra-State transmission licensee. The medium-term open access agreement shall contain the date of commencement and end of medium-term open access, the point of injection of power into the grid and point of drawal from the grid, the details of dedicated transmission lines required, if any, the bank guarantee required to be given by the applicant and other details in accordance with the detailed procedure.
- (g) Immediately after grant of medium-term open access, the nodal agency shall inform the State Load Despatch Centre.

- (h) Before expiry of the period of medium term open access, the same may be extended by the Nodal agency on receipt of a written request from such customer accompanied by application fee as prescribed at sub regulation (3) of regulation (11).

Provided that such request is submitted at least three months prior to the date of which the existing medium term open access expires.

Provided that in case no written request is received from the consumer within the timeline specified above, the said medium term open access shall stand terminated on the date of its expiry.

- (3) **Within same distribution system:** The procedure specified in clause (2) above shall, mutatis mutandis, apply to cases of medium-term open access when the point of injection and the point of drawal are located in the same distribution system except that SLDC shall be understood as distribution licensee.

14. Procedure for short-term Open Access

- (1) **Involving inter-State transmission system:** Notwithstanding anything contained in clauses (2) to (3) herein below, procedure for inter-State short-term Open Access shall be as per Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008, or its statutory re-enactments, as amended from time to time:

Provided that in respect of a consumer connected to a distribution system seeking inter-State short-term open access, the SLDC, before giving its consent as required under the Central Commission's regulations, shall obtain the consent of the distribution licensee concerned.

- (2) **Involving only intra-State transmission system:** Subject to the provisions of clause (1) herein above, intra-State short-term Open Access shall be in accordance with the provisions of sub clause (a) to (f) herein below:

(a) Open Access in advance

- (i) Application may be submitted to the Nodal Agency seeking short-term open access up to the fourth month, considering the month in which an application is made being the first month.
- (ii) Separate application shall be made for each month and for each transaction in a month. An application for grant of open access commencing in any month may be up to 15th day of the preceding month.

For example, application for grant of open access commencing in the month of July shall be received up to 15th day of June.

- (iii) The application shall contain such details as may be laid under the detailed procedure and shall, in particular include capacity needed, generation planned or power purchase contracted, point of injection, point of drawal, duration of availing open access, peak load, average load and such other additional information as may be required by the Nodal agency.
- (iv) The application shall be accompanied by a non-refundable application fee.
- (v) A consumer of distribution licensee intending to avail Short-term open access shall also furnish a copy of his application to the distribution licensee of his area of supply by e-mail or fax or by any other usually recognized mode of communication.
- (vi) All applications received under sub-clause (ii) above shall be taken up for consideration together and processed as per allotment priority criteria specified under Regulation 18 of these regulations on first served basis.

Provided that the Nodal agency shall acknowledge receipt of the application indicating time and date.

- (vii) Nodal agency shall check transaction for congestion of any element (line and transformer) of transmission and distribution system involved in transaction. If the nodal agency perceives congestion of any element of transmission or distribution system involved in the transaction or the capacity sought by consumer for open access in advance for the following month is more than the available capacity, the allocation shall be made through electronic bidding procedure as referred to in clause 14(2)(c) below.
- (viii) Nodal agency shall convey grant of open access or otherwise in the manner as laid down under the detailed procedure along with schedule of payments to the consumer latest by 19th day of such preceding month.

Provided that the nodal agency shall assign specific reasons for denial of STOA

(b) Day-Ahead Open Access

- (i) An application for grant of day ahead open access may be received by Nodal agency within three days prior to the date of scheduling but not later than 1300 Hours of the day immediately preceding the day of scheduling for day-ahead transaction.

For example, application for day-ahead transaction on 25th day of July shall be received on 22nd day or 23rd day or up to 1300 hours on 24th day of that month.

- (ii) The application shall contain such details as may be laid down under the detailed procedure and shall in particular include quantum of power to be inter changed, point of injection, point of drawal, duration of availing open access, Peak load, average load and such other information as required by the nodal agency.
- (iii) The application shall be accompanied by non-refundable application fee.
- (iv) A consumer of distribution licensee intending to avail day-ahead short-term open access shall also furnish a copy of his application to the distribution licensee of his area of supply by e-mail or fax or by any other usually recognized mode of communication.
- (v) All applications received for day-ahead transaction on a particular date under sub-clause (ii) above shall be taken up for consideration together and processed as per allotment priority criteria specified under Regulation 18 of these Regulations.

Provide that the Nodal agency shall acknowledge receipt of the application indicating time and date.

- (vi) Nodal agency shall check transaction of any element (line and transformer) of transmission and distribution system involved in transaction for congestion. All other provisions of application for short-term open access shall apply.
- (vii) Nodal agency shall convey grant of open access or otherwise in the manner as may be laid down under the detailed procedure along with schedule of payments.

Provided that the nodal agency shall assign specific reason for denial of day-ahead STOA.

(c) Bidding Procedure

- (i) If the capacity sought by the consumers for Open Access in Advance for the following month is more than the available capacity or SLDC perceives congestion of any element of transmission and distribution system involved in the transaction, the allocation shall be made through electronic bidding procedure.
- (ii) The decision of SLDC in respect of an expected congestion shall be final and binding.

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- (iii) SLDC shall convey information of congestion and decision for invitation of bidding indicating floor price to the applicants in FORMAT-1 appended to these Regulations.
 - (iv) SLDC shall also display bidding information on its website.
 - (v) The floor price of transmission and wheeling charges determined on the basis of relevant order of the Commission shall be indicated in FORMAT-1.
 - (vi) The Bids shall be accepted in FORMAT-2 up to the “bid closing time” as indicated in bidding invitation FORMAT-1. Modification / amendment to a bid, once submitted shall not be entertained.
 - (vii) If any consumer does not participate in bidding process, his application shall be deemed to have been withdrawn and shall not be processed.
 - (viii) SLDC shall not entertain any request for extension of time/date for submission of bids.
 - (ix) The bidders shall quote price (rounded-off to whole number) in denomination in which floor price has been determined.
 - (x) The quoted price shall be arranged in descending order and allocation of available capacities shall be accorded in such descending order until the available capacity is exhausted.
 - (xi) In case of equal price quoted by two or more consumers, the allocation from the residual available capacity at any stage under sub-sub-clause (x) above shall be made in proportion to capacity being sought by such consumers.
 - (xii) All consumers, in favour of whom full capacities have been allotted, shall pay the highest price obtained from bids.
 - (xiii) The consumers, who are allotted less capacity, shall pay the price as quoted by them.
 - (xiv) SLDC shall reject bid which are incomplete, vague in any manner or not found in conformity with bidding procedure.
 - (xv) The successful bidder, in favour of whom the capacities have been allocated, shall pay transmission charges, wheeling charges, as the case may be, determined by bidding under sub clause (xii) or (xiii) of this clause.
 - (d) The reserved capacity by a short-term open access consumer is not transferable to others.
 - (e) The capacity available as a result of surrender or reduction or cancellation of the reserved capacity by the State Load Dispatch Centre, may be

reserved for any other short-term open access consumer in accordance with these regulations.

- (f) On expiry of the period of the short-term open access, the short-term consumer shall not be entitled to any overriding preference for renewal of the term.
- (3) **Within same distribution system:** The procedure specified in clause (2) above, mutatis mutandis, shall apply to cases of short-term open access when the point of injection and the point of drawal are located in the same distribution system except SLDC shall be understood as distribution licensee.

15. Consent by STU, SLDC or Distribution Licensee

(1) Inter-State open access:

- (a) STU in the case of application for grant of long-term access and SLDC in the case of grant of medium-term open access and short-term open access shall convey its consent or otherwise as per the provisions of Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 and Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008, respectively or their statutory re-enactments, as amended from time to time.
- (b) In case of applicant connected to the distribution system seeking open access, the STU or SLDC, as the case may be, before giving its consent as required in the central commission's regulations, shall obtain the consent of the distribution licensee concerned. The distribution licensee shall convey its consent or otherwise to SLDC or STU, as the case may be by e-mail or fax or by any other usually recognized mode of communication within 3 working days to enable SLDC or STU, as the case may be to provide consent within timeline mentioned in CERC Regulations.

(2) Intra-State Open Access:

- (a) In respect of a consumer connected to a distribution system seeking Open access, the STU or SLDC or distribution licensee as the case may be shall obtain the consent of the distribution licensee concerned. The distribution licensee shall convey its consent or otherwise to the STU or SLDC as the case may be by e-mail or fax or by any other usually recognized mode of communication, within three (3) working days.

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- (b) While processing the application from a generating station seeking consent as required under Central Commission's Regulations for open access, the distribution licensee shall verify the following, namely-
 - (i) Existence of infrastructure necessary for time-block-wise energy metering and accounting in accordance with the provisions of the State Grid Code in force, and
 - (ii) Availability of capacity in the transmission/distribution network. STU or the distribution licensee, as the case may be, shall display its real-time transmission or distribution capacity on its website.
 - (c) Where existence of necessary infrastructure and availability of capacity in the distribution network has been established, the distribution licensee shall convey its consent to the applicant by e-mail or fax or by any other usually recognised mode of communication, within three (3) working days of receipt of the application.
 - (d) In case the distribution licensee as nodal agency finds that the application for consent is incomplete or defective in any respect, it shall communicate the deficiency or defect to the applicant by e-mail or fax or by any other usually recognised mode of communication, within two (2) working days of receipt of the application:
 - (e) In case the distribution licensee refuses to give consent on the grounds of nonexistence of necessary infrastructure or unavailability of surplus capacity in the distribution network, such refusal shall be communicated to the STU or SLDC, as the case may be, by e-mail or fax or by any other usually recognized mode of communication, within the period of three (3) working days from the date of receipt of the application, along with reasons for such refusal.
 - (f) Where the distribution licensee has not communicated any deficiency or defect in the application within two (2) days from the date of receipt of application, or refusal or consent within the specified period of three (3) working days from the date of receipt of the application or intimation from STU or SLDC, consent shall be deemed to have been granted.

16. Consideration of applications from defaulters

Notwithstanding anything contained in these regulations, the Nodal Agency shall be at liberty to summarily reject an application for Open Access on the ground of non-compliance of the provisions of these regulations, more specifically the provisions relating to timely payment of the charges leviable hereunder.

17. Application by eligible entities other than consumers and generating stations connected to distribution system:

The procedure for submission of the application and processing the same as laid down in this chapter in respect of the consumers shall, mutatis mutandis, be applicable to the electricity trading licensees, distribution licensees and the generating companies connected to the STU as well.

18. Allotment Priority

- (1) The priority for allotment of open access in intra-State transmission system shall be decided on the following criteria:
 - (a) A distribution Licensee shall have the highest priority in allotment of open access capacity irrespective of whether the open access request is for long-term, medium-term or short-term.
 - (b) The long-term open access applicants shall have the priority next to the distribution licensee.
 - (c) The medium-term open access applicants shall have the priority next to the long-term open access applicants.
 - (d) The short-term open access applicants shall have the priority next to the medium-term open access applicants.
 - (e) Allotment priority for short-term open access applicants shall be decided subject to capacity availability.
 - (f) An existing open access customer shall have the priority higher than new open access applicants under respective category provided the former applies for its renewal within the stipulated period prior to the expiry of existing term of open access.
 - (g) When the requirement projected by an applicant is more than the available capacity and the said applicant is not able to limit his requirement to the available capacity, the request of applicant having next lower priority shall be taken up for consideration.

CHAPTER 5

OPEN ACCESS CHARGES

19. Transmission Charges

Open Access customer using transmission system shall pay the charges as stated hereunder:

- (1) For use of inter-State transmission system – As specified by the Central Electricity Regulatory Commission from time to time.
- (2) For use of intra-State transmission system: –

- (a) Transmission charges payable to State Transmission Utility/ transmission licensee by Long-term and Medium-term open access customer for usage of their system shall be as determined by the Bihar Electricity Regulatory Commission from time to time in accordance with the appropriate Regulations framed by the Commission.

Provided that transmission charges shall be payable on the basis of contracted Capacity/ Scheduled Load or actual power flow whichever is higher.

Provided further that where a dedicated transmission system used for open access has been constructed for exclusive use of an open access customer, the transmission charges for such dedicated system shall be worked out by transmission licensee for their respective systems and got approved by the Commission and shall be borne entirely by such open access customer till such time the surplus capacity is allotted and used for by other persons or purposes.

Provided also that no transmission charges shall be payable in case of transaction of renewable energy generated from solar and wind sources of energy.

- (b) Transmission Charges payable to State Transmission Utility/transmission licensee by Short-Term Open Access customer for usage of their system shall be determined as under:

Transmission Charges = $ATC / (PLST \times 8760)$ (in Rs./MWh)

Where,

ATC= Annual Transmission Charges determined by the Commission for the State transmission system for the concerned year.

PLST= Peak load projected to be served by the State transmission system in concerned year.

Provided that transmission charges for short-term open access shall be payable on the basis of the energy actually scheduled for Short-Term transactions.

Provided further that no transmission charges shall be payable in case of open access transaction of renewable energy generated from solar and wind sources of energy.

20. Scheduling and system operation charges

Scheduling and system operation charges shall be payable by the Open Access customers at the following rates:

- (1) **In respect of inter-State open access**

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- (a) Long-term access and Medium-term open access
 - (i) Regional Load Despatch Centre fees and charges including charges for the Unified Load Despatch and Communication Scheme as specified by the Central Commission under section 28(4) of the Act.
 - (ii) State Load Despatch Centre charges as specified by the Commission under sub-section (3) of section 32 of the Act.
 - (b) Short-term open access
 - (i) Regional Load Despatch Centre and State Load Despatch Centre charges as specified by the Central Commission.
 - (2) **In respect of intra-State open access**
 - (a) Long-term access and medium-term open access:- Long-term access and medium-term open access customers shall be liable to pay SLDC charges determined by the Commission under sub-section (3) of section 32 of the Act.
 - (b) Short-term open access-A composite operating charge @ Rs.2,000/- per day or part of the day shall be payable by a short-term open access customer for each transaction to the SLDC or as determined by the Commission from time to time. The operating charge includes fee for scheduling and system operation, energy accounting, fee for affecting revisions in schedule on bonafide grounds and collection and disbursement of charges.

21. Wheeling Charges:

Wheeling charges payable to distribution licensee, by an open access customer for usage of its distribution system shall be as determined by the Commission in the tariff order from time to time:

Provided that Wheeling charges shall be payable on monthly basis, by the Open access consumer on the basis of scheduled energy.

Provided further that no wheeling charges shall be payable in case of transaction of renewable energy generated from solar and wind sources of energy.

Provided further that where a dedicated distribution system used for open access has been constructed for exclusive use of an open access customer, the wheeling charges for such dedicated system shall be worked out by distribution licensee for their respective systems and got approved by the commission and shall be borne entirely by such open access customers till such time the surplus capacity is allotted and used for by other persons or purpose.

22. Cross subsidy surcharge

- (1) If open access facility is availed of by a subsidising consumer of a distribution licensee of the State, then such consumer, in addition to transmission and/or wheeling charges, shall pay cross subsidy surcharge determined by the Commission from time to time.

Provided that Cross subsidy surcharge determined on Per Unit basis shall be payable, on monthly basis, by the open access consumers based on the actual energy drawn during the month through open access.

Provided also that cross subsidy surcharge shall not be levied in case distribution access is provided to a person who has established a captive generation plant for carrying the electricity to the destination of his own use.

- (2) The Cross subsidy surcharge shall be determined by the Commission in accordance with the principles and formula stipulated in the Tariff Policy notified by Central Government under section 3 of the Act.

23. Additional Surcharge

- (1) An open access consumer, receiving supply of electricity from a person other than the distribution licensee of his area of supply, shall pay to the distribution licensee an additional surcharge, in addition to wheeling charges and cross-subsidy surcharge, to meet the fixed cost of such distribution licensee arising out of his obligation to supply as provided under sub-section (4) of section 42 of the Act. Such additional charge payable by open access consumer to the distribution licensee shall be as determined by the Commission in the distribution tariff order from time to time.

Provided that Additional surcharge shall be payable on monthly basis, by the open access consumers based on the actual energy drawn during the month through open access.

Provided also that such additional surcharges shall not be levied in case distribution access is provided to a person who has established a captive generation plant for carrying the electricity to the destination of his own use.

- (2) The additional surcharge shall become applicable only if the obligation of the licensee in terms of power purchase commitments has been and continues to be stranded or there is an unavoidable obligation and incidence to bear fixed costs consequent to such a contract.

(Note: The fixed cost related to network assets is recovered through wheeling charges.)

- (3) The distribution licensee shall submit to the Commission along with its ARR, a detailed calculation statement of fixed cost which the licensee is incurring towards his obligation to supply, mentioning the hourly stranded data with its merit order dispatch.

24. Standby charges for drawal of power by open access customer from distribution licensee

In cases of outages of generator supplying to open access customer under open access, standby arrangements shall be provided by the distribution licensee for a maximum period of 42 days in a year, subject to the load shedding as is applicable to the embedded consumer of the licensee at a charge under Temporary connection tariff for that category of consumer as determined by the consumer from time to time.

Provided that such charge shall not exceed 125% of the normal tariff for that category of consumers.

Provided that in cases where temporary rate of charge is not available for that consumer category the distribution licensee shall charge 125% of the normal tariff for that category of consumers.

Provided also that open access customers would have the option to arrange stand-by power from any other source.

25. Other Charges

In addition to the above charges, the regulatory charges, congestion charges and any other charges imposed by Central Commission and/or State Commission shall be payable by the open access customers.

CHAPTER 6

SCHEDULING, METERING, REVISION AND LOSSES

26. Scheduling:

- (1) Notwithstanding anything contained in the succeeding clauses of this regulation, scheduling of inter-State open access transactions shall be as specified by the Central Commission.
- (2) Subject to the foregoing clause, intra-State open access transactions in respect of consumers of load 10 MW and above and all generating stations irrespective of the capacity shall be scheduled by SLDC in accordance with the provisions of the State Grid Code.
- (3) There shall be no scheduling required in respect of open access consumer having load of less than 10 MW.

Provided that the generating station from which such consumer has contracted power shall be subjected to scheduling requirements as per the applicable grid code.

27. Metering:

- (1) In case of open access consumer including all generating stations, Special Energy Meters shall be installed at the point of injection and point of drawal by the State Transmission Utility or the distribution licensee as the case may be, for and at the cost of the customer.
- (2) Special Energy Meters installed shall be capable of time-differentiated measurements for time-block-wise active energy and voltage differentiated measurement of reactive energy in accordance with the Indian Electricity Grid Code/Bihar Electricity Grid Code.
- (3) Special Energy Meters shall be open for inspection by any person authorized by the State Transmission Utility or the State Load Despatch Centre or the Distribution licensee.
- (4) Special Energy Meters shall always be maintained in good condition by the open access customers and shall be periodically tested and calibrated by State Transmission Utility/Distribution licensee.
- (5) All the open access customers shall abide by the metering standards of CEA.

28. Revision:

Revision of scheduled energy shall be permitted in accordance with the provisions of IEGC or the Bihar Electricity Grid Code as the case may be-

29. Losses:

(1) Transmission losses:

- (a) Inter-State transmission:
 - (i) Long-term access and medium-term open access: The buyers shall bear apportioned energy losses in the transmission system in accordance with the provisions specified by the Central Commission.
 - (ii) Short-term Open Access: The buyers and sellers shall absorb apportioned energy losses in the transmission system in accordance with the provisions specified by the Central Commission.
- (b) Intra-State transmission: The transmission losses for the intra- State system, as determined by the Commission in their tariff orders for the applicable year, shall be apportioned in proportion to the actual energy drawal by the open access customers and shall be payable in kind.

(2) Distribution loss:

The system losses for the distribution system, as determined by the Commission for various voltage levels in their tariff orders for the applicable year, shall be apportioned in proportion to the actual energy drawal by the open access customers and shall be payable in kind at relevant voltage level.

CHAPTER 7

IMBALANCE AND REACTIVE ENERGY CHARGES

30. Imbalance Charge

- (1) Scheduling of all transactions pursuant to grant of long-term access or medium term open access or short-term open access shall be carried out on day-ahead basis in accordance with the relevant provisions of IEGC for inter-State transactions and in accordance with Bihar Electricity Grid Code, Commission's applicable Regulations and orders for intra-State transactions.
- (2) In case of deviation by open access consumers with load of less than 10 MW, the difference between the scheduled energy and the actual drawal shall be accounted through the Time of Day (ToD) Meters on monthly basis and settled at the rate of the imbalance charge as determined by the Commission. In case of under-drawal as a result of non availability of the distribution system or unscheduled load shedding, the open access consumer shall be compensated by the distribution licensee at the average power purchase cost of the distribution licensee.
[Explanation.- For the purpose of this regulation, unscheduled load shedding means, load shedding during hours other than the hours for which load shedding has been announced by the distribution licensee. BERC may notify the number of days before which a distribution licensee should declare scheduled load shedding]
- (3) Deviations between the schedule and the actual injection/drawal (net over /under drawal or injection) in respect of open access consumers with load of 10 MW and above and the Generating Stations irrespective of the capacity, shall be settled based on the composite accounts for imbalance transactions issued by SLDC on a weekly cycle in accordance with the charges specified by the Commission.
- (4) Payment of imbalance charges shall have a high priority and the concerned constituents (licensees or the open access customers as the case may be) shall pay the indicated amounts within 10 (ten) days of the issue of the statement, into a State imbalance pool account operated by

the SLDC. The person who has to receive the money on account of imbalance charges would then be paid out from the State imbalance pool account, within three (3) working days.

- (5) If payments against the above imbalance charges are delayed by more than two days, i.e., beyond twelve (12) days from the date of issue of statement, the defaulting party shall have to pay simple interest @ 0.04% for each day of delay. The interest so collected shall be paid to the person whose payment has been delayed. Persistent payment defaults, if any, shall be reported by the SLDC to the Commission, for initiating remedial action.

31. Reactive Energy Charge

- (1) In respect of open access consumer having a load of 10 MW or above, the payment for the reactive energy charges by open access consumers shall be in accordance with provisions stipulated in the relevant Grid Code.
- (2) In respect of open access consumers of load less than 10 MW, reactive energy charges shall be calculated on Power Factor basis as specified by the Commission.

CHAPTER 8

COMMERCIAL MATTERS

32. Billing, collection and disbursement

Billing in respect of the charges payable under these regulations shall be made as per the following procedure:

(1) Inter-State transactions:

(a) Short-term Open Access

- (i) Collection and disbursement of transmission charges for use of CTU and STU systems and operating charges payable to RLDCs and SLDCs towards short-term open access shall be made by the nodal RLDC in accordance with the procedure specified by the Central Commission.
- (ii) The short-term open access customer connected to distribution system of a distribution licensee shall pay to such distribution licensee the charges payable to the distribution licensee on monthly basis within 3 days from the grant of the short-term open access by the nodal agency.

(b) Long-term access and medium-term open access

- (i) Billing, collection and disbursement of charges payable to RLDC including Unified Load Despatch and Communication Scheme shall be in accordance with the procedure specified by the Central Commission.

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- (ii) Bills towards the charges payable to SLDC shall be raised by the STU/SLDC directly to the open access customer connected to STU and to the distribution licensee in respect of the customers connected to the distribution system, before the 3rd working day of the succeeding calendar month.
 - (iii) Distribution licensee shall raise the bill with the open access customer connected to it within 3 days of receipt of bill from SLDC.
 - (iv) Open access customer connected to the distribution licensee shall pay the charges within five days of receipt of bill from distribution licensee. The distribution licensee shall disburse the amount payable to STU/SLDC on a monthly basis.
 - (v) Open access customer connected to the STU shall pay the bills within five working days of receipt of the bill.

(2) **Intra-State transactions:**

(a) **Short-term Open Access**

- (i) The short-term open access customer shall deposit with SLDC the transmission charges and operating charges within 3 working days of grant of the short-term open access by SLDC.
- (ii) In addition to the above, the short-term open access customer connected to distribution system of a distribution licensee shall also pay to SLDC, the charges payable to the distribution licensee within 3 days from the grant of the short-term open access by the nodal agency. Such charges would be disbursed to the distribution licensee on a weekly basis.

(b) **Long-term and Medium-Term open access**

SLDC, transmission licensees and distribution licensee, where applicable, shall communicate to STU, the details of the bills due to them by the 3rd working day of the succeeding calendar month. STU shall separately indicate the above charges and raise the bill with the open access customer, together with the charges receivable by it, if any, before the 5th working day of the above month. The open access customer shall pay the charges within 7 days from the date of receipt of the bill. STU shall disburse the charges payable to SLDC, transmission licensee and distribution licensee on a monthly basis.

33. Late payment surcharge

In case the payment of any bill for charges payable under these regulations is delayed by an open access customer beyond the due date, without prejudice to any action under the Act or any other regulation

thereunder, a late payment surcharge at the rate of 1.25% per month shall be levied.

34. Default in payment

- (1) Non-payment of any charge or sum of money payable by the open access customer under these regulations (including imbalance charges) shall be considered non-compliance of these regulations and shall be liable for action under section 142 of the Act in addition to action under section 56 of the Act. The STU or any other transmission licensee or a distribution licensee may discontinue open access after giving customer an advance notice of fifteen days without prejudice to its right to recover such charges by suit.
- (2) In case of default in payment of charges due to the Load Despatch Centre the Load Despatch Centre concerned may refuse to schedule power to the defaulting open access customer and direct the licensee concerned to disconnect such customer from the grid.

35. Payment Security Mechanism

In case of long-term open access and medium-term open access, the applicant for open access will open an irrevocable Letter of Credit equivalent to the estimated amount of various charges for a period of two months in favour of the agency responsible for collection of various charges.

CHAPTER 9

INFORMATION SYSTEM

36. Information system

The State Load Dispatch Centre shall post following information on its website in a separate web page titled "Open access information" and also issue a monthly and annual report containing such information.

- (1) A status report on long-term access or medium-term open access customers indicating:
 - (a) Name of customer;
 - (b) Period of open access granted (date of commencement and date of termination);
 - (c) Point of injection;
 - (d) Point of drawal;
 - (e) Transmission system / distribution system used, and
 - (f) Open access capacity used.
- (2) A status report on short-term open access customers indicating:

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- (a) Name of customer;
 - (b) Period of open access granted (date of commencement and date of termination);
 - (c) Point of injection;
 - (d) Point of drawal;
 - (e) Transmission system / distribution system used, and;
 - (f) Open access capacity used.
- (3) Peak load flows and capacity available including the reserve capacity on all EHV lines and HV lines emanating from EHV substations.
 - (4) The information regarding average loss in transmission and distribution system as determined by respective licensees.

CHAPTER 10

MISCELLANEOUS

37. Under –Utilization or Non-Utilization of open access capacity in intra-State transmission system

- (1) **Long-term open access:** A long-term customer may relinquish the long-term access rights fully or partly before the expiry of the full term of long-term access, by making payment of compensation for stranded capacity as follows:-
 - (a) **Long-term customer who has availed access rights for at least 7(seven) years**
 - (i) Notice of one (1) year – If such a customer submits an application to the State Transmission Utility at least 1 (one) year prior to the date from which such customer desires to relinquish the access rights, there shall be no charges.
 - (ii) Notice of less than one (1) year – If such a customer submits an application to the State Transmission Utility at any time lesser than a period of 1 (one) year prior to the date from which such customer desires to relinquish the access rights, such customer shall pay an amount equal to 66% of the transmission charges for the stranded transmission capacity for the period falling short of a notice period of one (1) year.
 - (b) **Long-term customer who has not availed access rights for at least 7 (seven) years** – such customer 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 7 (seven) years of access rights:

Provided that such a customer shall submit an application to the State Transmission Utility at least 1 (one) year prior to the date from which such customer desires to relinquish the access rights:

Provided further that in case a customer submits an application for relinquishment of long-term access rights at any time at a notice period of less than one year, then such customer shall pay an amount equal to 66% of the estimated transmission charges (net present value) for the period falling short of a notice period of one (1) year, in addition to 66% of the estimated transmission charges (net present value) for the stranded transmission capacity for the period falling short of 7 (seven) years of access rights.

- (c) The discount rate applicable for computing the net present value as referred to in sub-clause (a) and (b) of clause (1) above shall be the discount rate to be used for bid evaluation in the Central Commission's Notification issued from time to time in accordance with the Guidelines for Determination of Tariff by Bidding Process for Procurement of Power by distribution Licensees issued by the Ministry of Power.
- (d) The compensation paid by the long-term customer for the stranded transmission capacity shall be used for reducing transmission charges payable by other long-term customers and medium-term customers in the year in which such compensation payment is due in the ratio of transmission charges payable for that year by such long-term customers and medium-term customers.
- (2) **Medium-term Open Access customers** -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 for the period of relinquishment or 30 days whichever is lesser.

- (3) **Short-term open access customer**
- (a) The short-term open access scheduled energy accepted by the nodal agency in advance or on first-come-first-served basis may be cancelled or revised downwards on an application to that effect made to the nodal agency by the short-term open access customer:

Provided that such cancellation or downward revision of the short-term open access scheduled energy shall not be effective before expiry of a minimum period of two (2) days:

Provided further that the day on which notice for cancellation or downward revision of schedule is served on the nodal agency and the day from which such cancellation or downward revision is to be implemented, shall be excluded for computing the period of two (2) days.

- (b) The person seeking cancellation or downward revision of short-term open access scheduled energy shall pay the transmission charges for the first two (2) days of the period for which the cancellation or downward revision of schedule, as the case may be, has been sought, in accordance with the schedule originally approved by the nodal agency, and thereafter in accordance with the revised schedule prepared by the nodal agency during the period of such cancellation or downward revision.
- (c) In case of cancellation, operating charges specified in Regulations 20 of these regulations shall be payable for two (2) days or the period of cancellation in days, whichever is less.

38. Computation of capacity availability for open access

- (1) The capacity available for the open access shall be computed for each transmission segment and for every sub-station by the STU following the methodology given below:
 - (a) Available open access capacity of a transmission system segment: = $(DC - (SD + AC)) + NC - ND$ where, DC=Designed capacity of the transmission segment in MW, SD = Sustained demand (peak load experienced) in MW recorded in the segment, AC = Already allotted capacity, but not availed in MW, NC = New capacity in MW expected to be added and ND= New Demand expected to be added.

provided that for an embedded consumer seeking open access within the contract demand the available open access capacity of the transmission system segment shall be computed by using the formula $(DC - (SD - AC)) + NC - ND$

- (b) Available open access capacity of a sub-station: = $(TC - (SP + AC)) + NC - ND$ where, TC= Transformer capacity of the substation in MVA, SP= Sub-station peak in MVA, AC= Already allotted capacity but not availed in MVA, NC= New transformer capacity in MVA expected to be added and ND = New Demand expected to be added.

provided that for an embedded consumer seeking open access within the contract demand the available open access capacity shall be computed by using $(TC - (SP - AC)) + NC - ND$

- (c) The STU shall update these values on monthly basis on the first calendar day of the month and publish it in their website.
- (2) The appropriate distribution licensee shall determine the available capacity adopting the above methodology for allotment for the portion of the distribution system over which open access has been requested for.

39. Curtailment Priority

When, because of constraints or otherwise, it becomes necessary to curtail the open access service of the customers, subject to the requirements of Bihar Electricity Grid Code, the short-term open access customers shall be curtailed first, followed by the medium-term open access customers and thereafter followed by long-term open access customers. The open-access to a distribution licensee and generating company shall be the last to be curtailed.

Provided that within a category, the open-access customers shall have equal curtailment priority and shall be curtailed on pro-rata basis. SLDC shall frame guidelines for curtailment of open access customers.

40. Dispute Resolution Mechanism

- (1) The complaints regarding all grievances and disputes relating to open access shall be made to the respective nodal agency in writing.
- (2) The nodal agency shall investigate and endeavour to resolve the grievance/disputes through mutual agreements.
- (3) If the nodal agency is unable to redress the grievance, dispute or the open access customer is aggrieved with the decision of the nodal agency, the matter may be brought before the Commission by either of the parties.

41. Powers to Remove Difficulties

If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may by general or special order, direct the State Transmission Utility, State Load Dispatch Centre, intra-State licensees and the open access customer, to take such action, as may appear to the Commission to be necessary or expedient for the purpose of removing difficulties.

42. Repeal and Savings

- (1) Save as otherwise provided in these regulations, the Bihar Electricity Regulatory Commission (Terms and Conditions for Open Access) Regulations, 2005, shall stand repealed from the date of commencement of these regulations.

- (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.
- (3) 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 the ends of justice.
- (4) 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 for deciding such matter or class of matters.
- (5) Open access customers to the intra-State transmission system and the distribution system in the State on the date of coming into force of these regulations under an existing agreement / contract shall be entitled to continue to avail such access to the transmission and distribution system on the same terms and conditions, as stipulated under such existing agreement/contract. Such persons are eligible to avail long-term access or medium-term open access under these regulations on expiry of such existing agreement/contract. However such persons, shall have to make application with the nodal agency for long-term access or medium-term open access category as the category may be, at least thirty days prior to the expiry of such existing agreement/contract.

43. Power to amend

The Commission may, at any time may add, vary, alter, modify, or amend, any provision of these regulations.

By order of the Commission,

Nirad Prakash,
Secretary

Format-I**CONGESTION INFORMATION AND INVITATION OF BIDDING**

(to be invited by SLDC)

(See regulation 14.2.c)

SLDC Bidding Invitation No._____**Date**_____

1	Customer Application No.	<as provided by customer on FORMAT-1>	Date	
2	Period of Transaction	< 1 months and more / less than 1 months / day-ahead >		
3	Nature of Customer*	< seller/buyer/captive user/trader(on behalf of seller/buyer/captive user) >		
4	Customer Name			
5	Registration Code		Valid up to	

<* In terms of power transfer>

6. 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		MW	MW
		From	To	From	To		
Intra-State Transmission System							
Intra-State Distribution System							
Inter-State Transmission System							

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

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

8. 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 & Signature**

Format-II**BID PROPOSAL**

(to be submitted by the customer to SLDC)
(See regulation 14.2.c)

Ref: SLDC Bidding Invitation No. _____**Date** _____**To: Dy. General Manager (SLDC),**

1	Customer Application No.	<as provided by customer on FORMAT-1>	Date	
2	Period of Transaction	< 1 months and more / less than 1 months / day-ahead >		
3	Nature of Customer*	< seller/buyer/captive user/trader(on behalf of seller/buyer/captive user) >		
4	Customer Name			
5	Registration Code		Valid up to	

< * In terms of power transfer >

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

Bidding Details as provided by SLDC								
Intra-State Network Corridor		Congestion Period				Margin/ Capacity Available	Floor Price	Bid Price to be Quoted by Bidder
Sub-station	Electric Line/Link	Date		Hours		MW	Paise./KWh	Paise./KWh*
		From	To	From	To			
Name of Transmission System								
Name of Distribution System								

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

7. I do hereby agree that determined bid price(s) shall be transmission and/or wheeling charges.

Place**Date****Signature (with stamp)****Name & Designation**