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ARUNACHAL PRADESH
STATE ELECTRICITY REGULATORY COMMISSION
ITANAGAR

NOTIFICATION

The 5th February, 2024

Terms and Conditions for Green Energy Open Access (GEOA) and Methodology for calculation of Charges) Regulations, 2024.

No. APSERC/Notification/35/2024.—In exercise of the powers conferred under Section 86 (1) (e), which envisages promotion of co-generation and generation of electricity from renewable sources of energy, by providing suitable measures for connectivity with the grid and sale of electricity to any person, read with Sections 181, 39 (2) (d), 40 (c), 42 (2, 3), 86 (1) (c) of the Electricity Act, 2003 and all other powers enabling it in this behalf, the Arunachal Pradesh State Electricity Regulatory Commission hereby makes the following regulations, Arunachal Pradesh State Electricity Regulatory Commission (Terms and Conditions for Green Energy Open Access (GEOA) and Methodology for calculation of Charges) Regulations, 2024 namely :

1. Short title and commencement :

(i) These Regulations shall be called the Arunachal Pradesh State Electricity Regulatory Commission (Terms and Conditions for Green Energy Open Access (GEOA) and Methodology for calculation of Charges) Regulations, 2024.

(ii) These Regulations shall come into force from the date of publication in the Official Gazette of Arunachal Pradesh.

(iii) These Regulations shall be applicable for allowing Open Access to electricity generated from Renewable Energy Sources, for use of Intra-State Transmission System/s (InSTS) and/or distribution system/s of licensee/s in the State, including such Intra-State Transmission and/or distribution system/s, which are incidental to Inter-State Transmission of electricity.

2. Definitions:

(1) In these regulations, unless the context otherwise requires –

(a) "**Act**" means the Electricity Act, 2003 (36 of 2003)

(b) "**Banking**" means the surplus green energy scheduled and injected into the grid and credited with the distribution licensee by the Green Energy Open Access consumers;

(c) '**Central Commission**' means the Central Electricity Regulatory Commission referred to in sub-section (1) of Section 76 of the Act;

(d) "**Central Nodal Agency**" means a Central Nodal Agency as notified by the Central Government to set up and operate a single window green energy open access system for renewable energy.

(e) "**Commission**" means the Arunachal Pradesh State Electricity Regulatory Commission.

(f) "**Day Ahead Market (DAM)**" means a market where Day Ahead Contracts are transacted on the Power Exchange(s);

(g) "**Entity**" means any consumer who has contracted demand or sanctioned load of Hundred kW or more either through single connection or through multiple connections aggregating Hundred kW or more located in same electricity division of a distribution licensee, except for captive consumers

(h) **"Existing Consumer"** means a person already availing open access for sourcing/ supplying renewable energy to the transmission system and/or distribution system of a licensee in the State under an existing agreement or Government of Arunachal Pradesh policy on the date of coming into force of these Regulations.

(i) **"Forum of Regulators"** means the Forum as referred to in sub-section (2) of Section 166 of the Act.

(j) **"Fossil Fuel"** means fuels such as coal, lignite, gas, liquid fuel or combination of these as its primary source of energy, which are used in Thermal Generating Station for generating electricity;

(k) **"GEOA"** means the Green Energy Open Access

(l) **"GoAP"** means the Government of Arunachal Pradesh.

(m) **"Green Energy"** means the electrical energy from renewable sources of energy including hydro and storage (if the storage uses renewable energy) or any other technology as may be notified by the Government of India from time to time and shall also include any mechanism that utilises green energy to replace fossil fuels including production of green hydrogen or green ammonia as per provision of clause G of sub-rule (2) of rule 4 of Green Energy Open Access Rules, 2022;

(n) **"Green Open Access Consumer/ Consumer"** means any person who has contracted demand (for HT) or sanctioned load (for LT) of 100kW or more or such other limit as may be specified by Commission from time to time, except for captive consumers, who are supplied with electricity from green energy sources for their own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving green energy with the works of a licensee, the Government or such person, as the case may be.

(o) **"Installation"** means the whole of electric wires, fittings, motors and apparatus installed and wired by or on behalf of the Consumer on one and the same premises starting from the point of commencement of supply.

(p) **"InSTS"** means Intra-State Transmission System/s

(q) **"MoP"** means the Ministry of Power.

(r) **"Open Access"** means the non-discriminatory 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 person engaged in generation in accordance with the Regulations specified by the Appropriate Commission.

(s) **"Person"** shall include any company or body corporate or association or body of individuals, whether incorporated or not, or artificial juridical person;

(t) **"Premises"** includes any land, building or structure.

(u) **"Renewable Sources of Energy"** means such sources that produce/generate electrical energy from renewable sources of energy including, but not limited to Solar PV Power Project or Wind Power Project or Hybrid Power Project or Small Hydro Power Project or biomass, biofuel, urban or municipal waste, pumped storage hydro generation, Energy Storage Systems using entire electricity generated from renewable energy for charging or any other technology as may be notified by the Government of India from time to time and shall also include any mechanism that utilises green energy to replace fossil fuels including production of "green hydrogen or green ammonia".

(v) **"Rules"** means 'Electricity (Promoting Renewable Energy through Green Energy Open Access)Rules, 2022' and its amendment as notified by the Central Government.

(w) **"SERC"** means the State Electricity Regulatory Commission;

(x) **"SLDC"** means the State Load Dispatch Centre established under sub-section (1) of Section 31of the Act.

(y) **"Standby charges"** means the charges applicable to open access consumers against the standby arrangement provided by the distribution licensee, in case the open access consumer is unable to procure power from the generating sources with whom they have the agreements to procure power due to outages of generator, transmission assets and the like.

(z) **"State Transmission Utility"** means the Board or the Government company specified as such by the State Government under sub-section (1) of Section 39 of the Act;

(aa) **"Wheeling"** means the operation whereby the distribution system and associated facilities of a STU or 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 Act;

(2) Words and expressions used and not defined in these Regulations but defined in the Act or IEGC or State Grid Code or any other regulation of the Commission shall have the meaning assigned to them under the Act or the IEGC or the State Grid Code or any other regulation of the Commission as the case may be.

(3) Anything not specified in these Regulations but specified in the 'Electricity (Promoting Renewable Energy through Green Energy Open Access) Rules, 2022', and its amendment issued by the MoP, the provisions specified under the said Rules will prevail.

3. Scope :

These regulations shall be applicable for allowing Open Access to electricity generated from green energy sources as defined under clause (2) (1) (m) of these Regulations, including the energy from non-fossil fuel-based Waste-to-Energy plant for use of Intra-State Transmission System (InSTS) or distribution system or both, which are incidental to Inter-State Transmission of electricity.

4. Criteria for allowing GEOA :

(i) The long-term GEOA shall be allowed in accordance with the transmission planning criteria and distribution planning code stipulated in the State Grid Code.

(ii) The Short-Term/Medium Term open access shall be allowed, if the request can be accommodated, by utilizing

(a) Inherent design margins

(b) Margins available due to variation in power flows and

(c) Margins available due to in-built spare transmission system capacity and/or distribution system capacity created to cater to future load growth;

5. Categorization of Open Access:

The open access consumers shall be classified into the following categories based on the duration of use of the intra- state transmission and/or distribution system:

(i) Long-term Open Access consumers- persons availing or intending to avail the open access for a period equal to or more than five years.

(ii) Medium-term Open Access consumers- persons availing or intending to avail the open access for a period more than one year and less than 5 years.

(iii) Short-term Open Access consumers- persons availing or intending to avail the open access for a period of one year or less.

Provided that the short -term open access consumer shall be eligible & re-eligible to obtain fresh reservation on filing of application after the expiry of his term and subject to availability. Such eligibility shall be on priority fixed on the basis of the date of application.

6. Eligibility Criteria for applying for GEOA :

(i) Subject to the provisions of these Regulations and system availability, consumers shall be eligible for open access to the intra-state transmission system of the State Transmission utility or any transmission licensee/s and distribution system/s of the distribution licensee/s within the State.

Provided that notwithstanding anything contained in these Regulations, any RE generating company having subsisting Power Purchase Agreement (PPA) with the Distribution Licensee, shall not be entitled to Open Access for the RE capacity, for which PPA is entered into, except in accordance with the terms of such PPA and also for such capacity (quantum of power) for which Open Access is already granted.

Provided further that, such open access shall be available on payment of such charges as may be determined by the Commission from time to time.

(ii) Every person, who has constructed a captive generating plant shall have the right to open access as per the provisions of Section 9 of the Act.

(iii) Provided that the consumers who have contracted demand or sanctioned load of Hundred (100) kW or more, either through single connection or through multiple connections having different categories, aggregating Hundred (100) kW or more located in same electricity division of a distribution licensee, shall be eligible to take power through Green Energy Open Access and there shall not be any requirement of minimum Contract Demand or Sanctioned Load for captive consumers taking power under Green Energy Open Access and there shall be no limit of supply of power for the captive consumers taking power under Green Energy Open Access

7. Verifying agency for captive status :

The Commission will act as verifying agency for captive status of a captive generating plant or a captive user.

8. Nodal Agency :

(i) All the applications related to green energy open access shall be submitted to the portal set up by the Central Nodal Agency. The applications shall be routed to the State Nodal Agency (SNA)by the Central Nodal Agency. The procedures and formats devised by Central Nodal Agency shall be followed in the matter.

(ii) Arunachal Pradesh State load Despatch Centre shall operate as the SNA for grant of long term medium-term and short term green energy open access.

(iii) The SNA shall coordinate with transmission licensees including STU and the Distribution Licensees to make available all relevant information regarding green energy open access to the public on the portal of the Central Nodal Agency.

9. Treatment for existing entities :

The existing consumer(s)/generators may continue to avail the open access as per the existing agreements or Government policy for the period specified in those agreements or policies, to the extent they are not inconsistent with the Act.

Provided that the existing consumers/generators shall continue to pay the applicable charges as specified in their respective agreements, as may be determined by the Commission from time to time.

Provided further that RE open access for the subsequent period in respect of such consumer/generator shall be governed by provisions of these Regulations, including any renewal after the completion of initial period of existing WBA.

Provided also that if Open Access for any additional RE capacity is sought by such existing consumer(s)/generators in addition to the capacity already contracted under open access, shall be treated as new application for open access to the extent of additional capacity sought.

10. Allotment priority :

GEOA consumers shall have preference over normal Open Access consumers, excluding distribution licensees.

Among the GEOA consumers, long-term GEOA consumers shall have preference followed by Medium term and short-term, at any given time.

Provided that, the decision for allowing the open access shall be on the basis of first come first served.

11. Procedure for grant of Green Energy Open Access :

(i) The GEOA applicant shall submit an application complete in all respects, in the format as specified by Central Nodal Agency, on the central portal set up by the Central Nodal Agency.

(ii) The application shall be forwarded to the concerned State Nodal Agency by the Central Nodal Agency for further verification. The following time schedules shall be followed for processing the long-term and medium-term Open Access Application:

SL. No.	Particulars	Time Line	Remarks
1	2	3	4
1.	Date on which application is received by SNA from Central Nodal Agency.	Zero Date	
2.	Acknowledgement of receipt of Application.	Zero date	The acknowledgement shall be provided immediately by electronic mode.
3.	Acceptance of application by SNA after confirming that all the relevant documents are furnished by the applicant inducing processing fees and BG.	Within three working days from zero date	In case the application is incomplete, the SNA shall inform the same in writing rejecting the application and furnishing the details of the defects. After rectifying the defects, a fresh application shall be made.
4.	Forwarding of application to the STU or the transmission licensee/concerned Distribution licensee.	Within five working days from zero date	On acceptance of the application, the same shall be forwarded to the STU or the transmission licensee/ concerned Distribution licensee for ensuring the system availability and that the generators are not having any subsisting PPA for the capacity for which the OA is sought, except in accordance with the terms of such PPA.

SL. No.	Particulars	Time Line	Remarks
1	2	3	4
5.	Concurrence from the STU or the transmission licensee/Distribution licensee	Within ten working days from zero date	In case system strengthening is required, the probable date of granting OA shall be intimated to SNA within the same time. In case concurrence is not received within the specified time, SNA shall consider it to be deemed concurrence. Provided that the system studies at the drawal point to ascertain the availability is not required for a consumer of the licensee availing Open Access, subject to the applicant furnishing an undertaking that, he would not exceed the contract demand specified in his supply agreement with the licensee even after opting for Open Access.
6.	Grant of Open Access or otherwise	Within fifteen working days from zero date	The SNA shall intimate the applicant, the grant of OA within the time specified. In case OA is not granted, the same shall be intimated within the above time furnishing the reasons in writing and also the probable date from which the OA can be granted. In case, SNA fails to intimate the grant of OA or otherwise, within the above specified time, the same shall be deemed to have been granted, which is subject to system availability.
7.	Submission of agreement by the applicant for long term OA	Within twenty working days from zero date	The applicant shall submit copies of signed agreement to the SNA/parties to the agreement in the standard format approved by the Commission. The existing WBA as modified by the Commission for REC and non-REC route projects in accordance with these Regulations shall be adopted. In case the applicant fails to submit the WBA within the specified time, the Open Access granted is deemed to have been cancelled.
8.	Submission of signed copies of agreement by the STU or the transmission licensee/ concerned Distribution licensee.	Within twenty five working days from zero date	In case STU or the transmission licensee fail to submit the signed copies to the SNA within the specified time, the WBA is deemed to have been approved.
9.	Effective date for wheeling	The applicant is allowed tri wheel the energy from the effective date.	In case the SNA receives the copy of the agreement signed by the applicant, the effective date for commencement of operation of wheeling of electricity by the applicant shall be the next date from the date of submission of signed copy of the agreement to the SNA. Provided that the above effective date for commencement of wheeling operation shall also be applicable for banking in case of solar, Wind and Mini-hydel plants.

(iii) The State Nodal Agency shall ensure that non-refundable processing fee of ₹ One Lakh for long-term/medium-term open access and ₹ Twenty-five thousand for short-term open access is paid by applicant to the nodal agency and the nodal agency shall intimate the same through electronic mode of communication, immediately on receipt of the application form from Central Agency. The applicant shall pay the processing fees within one working day.

(iv) An application for a short-term GEOA, for power plant (s) or its/their generating unit (s) which are yet to be commissioned, shall be made not before two months prior to the commissioning date of such power plant(s) or its/their generating unit(s), to avoid unnecessary blocking of corridor.