WEST BENGAL ELECTRICITY REGULATORY COMMISSION (OPEN ACCESS) REGULATIONS, 2022

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WEST BENGAL ELECTRICITY REGULATORY COMMISSION

NOTIFICATION

No. 75/WBERC Dated: 01.08.2022

In exercise of the powers conferred by section 181 read with clause (d) of sub-section (2) of section 39, clause (c) of section 40, sub-sections (2), (3) and (4) of section 42 and section 66 of the Electricity Act, 2003 (36 of 2003) and all powers enabling it on that behalf and in supersession of notifications No. 35/WBERC dated 12th April 2007 published in the Kolkata Gazette, Extraordinary on 12th April 2007 along with all amendments, the West Bengal Electricity Regulatory Commission hereby makes the following regulations.

1. Short title and commencement.

1.1 These regulations may be called the West Bengal Electricity Regulatory Commission (Open Access) Regulations, 2022 and in short will be referred as "Open Access Regulations".

1.2 They shall come into force on the date of their publication in the Official Gazette. This date will be the Effective Date of these Open Access Regulations.

1.3 The Open Access Regulations shall apply to Open Access Customers and Applicants for Open Access embedded in the State Grid to the extent applicable on them depending on their connectivity with inter-state transmission system or intra-state transmission system as applicable or with distribution system as specified in the Open Access Regulations.

2. Definitions

2.1 In these regulations, unless the context otherwise requires:

a) "Act" means the Electricity Act, 2003;

b) "ABT" means the Availability Based Tariff as specified in the State Electricity Grid Code and Balancing and Settlement Code specified by the Commission;

c) "Additional Transmission Asset Creation Agreement "or "ATACA" means the agreement under regulation 15.4 between the Open Access Customer and the Transmission Licensee;

d) "*Additional Wheeling Asset Creation Agreement*" or "AWACA" means the Open Access agreement under regulation 15.4 between the Open Access Customer and the Distribution Licensee;

e) "Applicant" means a person who has applied for seeking Open Access;

f) "Area Load Despatch Centre" or "ALDC" has the same meaning as assigned to it in the State Grid Code.

g) "Backup Power" means any standby arrangement of power supply

i) to an Open Access Customer when power from an Open Access source is not available or partially available to the Open Access Customer, in accordance with the Open Access Agreement / Connectivity Agreement / Backup Power Agreement.

ii) to a consumer when power from his in-situ Captive generating plant is not available or partially available to such consumer, in accordance with Open Access Agreement / Connectivity Agreement / Backup Power Agreement between the distribution licensee and his consumer;

iii) to a consumer receiving power through dedicated transmission line from his own Captive generating plant is not available or partially available to such consumer, in accordance with Open Access Agreement / Connectivity Agreement / Backup Power Agreement between the distribution licensee and his consumer;

iv) to a consumer when power is not available or partially available to such consumer from his any in-situ generation source not belonging to the distribution licensee with whom the consumer is connected for the purpose of drawing power from the Distribution Licensee in accordance with Open Access Agreement / Connectivity Agreement / Backup Power Agreement between the distribution licensee and the said consumer;

v) to a consumer when power received through dedicated transmission line from his generation source is not available or partially available to such consumer not belonging to the distribution licensee with whom the consumer is connected for the purpose of drawing power from the Distribution Licensee as and when require in accordance with Open Access Agreement / Connectivity Agreement / Backup Power Agreement between the distribution licensee and the said consumer;

h) "Backup Power Agreement" means the agreement between Open Access Customer and Distribution Licensee for arrangement of Backup Power to the Open Access Customer in terms of Regulations 4.10 & 15 of these Regulations;

i) "Balancing and Settlement Code" means the West Bengal Electricity Regulatory Commission (Balancing and Settlement Code) Regulations, 2021 including any amendment, modification or re-notification thereof under any name whatsoever;

j) "Capacity Charges" means the capacity charges as specified in the Tariff Regulations;

k) "Captive Generating Plant" means the Captive Generating Plant in accordance with the Electricity Rules 2005 including any amendment, modification or re-notification thereof under any name whatsoever;

l) "CEA Meter Regulations" means Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006 as amended including any amendment, modification or re-notification thereof under any name whatsoever;

m) "Central Nodal Agency" means the same as prescribed in Green OA Rules;

n) "CERC LT&MT Regulations" means the Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-state Transmission and related matters) Regulations, 2009 including any amendment, modification or re-notification thereof under any name whatsoever;

o) "CERC ST Regulations" means the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008 including any amendment, modification or re-notification thereof under any name whatsoever;

p) "Central Grievance Redressal Officer" or "CGRO" means the same as mentioned in "Grievance Redressal Regulations";

q) "Commission" means the West Bengal Electricity Regulatory Commission;

r) "Connected Licensee" means a Licensee or any person who is engaged in the business of supplying electricity under the Act and whose works are connected with the premises of any person including an Open Access Customer;

s) 'Critical Load' means the load for which supply is to be maintained continuously and disruption of supply may result in law & order problems.

t) "Distribution Licensee" means the same as defined in the DSM Regulations;

u) "Distribution System Network" or "Distribution System" means the distribution system of a Distribution Licensee in his area of supply;

v) "Deviation Settlement Charges" or "DS Charges" means the same as provided in DSM Regulations;

w) "DSM Regulations" means the DSM Regulations framed by the Commission, including amendment from time to time and in force at the concerned time of applicability of DSM Regulations;

x) "Emergency Power" means the supply by any Distribution Licensee

i) of start-up Power or survival power to the captive generating plant or generator acting as an open access source in case of total power failure at a rate as applicable for start-up power or survival power as per Tariff Regulations;

ii) of power to the Open Access Consumer, connected to the Distribution Licensee, in case of failure of supply fully or partially from his open access source(s) and having no Backup Power facility, at a rate applicable to Emergency Supply in concerned tariff order of the Distribution Licensee as per Tariff Regulations;

iii) of power to the Consumer, connected to the Distribution Licensee, in case of failure of supply fully or partially from his captive generating plant (either in-situ or through dedicated transmission line) and having no Backup Power facility, under the emergency category as per Tariff Regulations at a rate as applicable for Emergency Supply in the concerned tariff order of the Distribution Licensee;

iv) of power to the Consumer drawing power from any in-situ generating plant or through dedicated transmission line from any generating plant that is not owned by the Distribution Licensee with whom the consumer is connected for drawing power from the Distribution Licensee as and when required in accordance with power supply agreement between the distribution licensee and the said consumer at a rate as applicable for Emergency Supply in the concerned tariff order of the Distribution Licensee in case of failure of supply from such generating plant and where Backup Power facility has not been availed by such consumer.

[Explanation: As per West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011, amended till date the rate for start-up power and survival power is as per note (xi) of the Note of Annexure-C2. Similarly for consumer owning Captive generating plant the conditionalities of paragraph 12.6 of Schedule-5 of the Tariff Regulations is applicable. Such consumer being a default open access consumer as per definition of the open access who draws power through dedicated transmission line from generating source or internal network of the installation of in situ- generating station in a premises of such consumer is also entitled to Backup Power.]

y) "Energy Charge" means the energy charge as specified in the Tariff Regulations;

z) "Final Implemented Schedule" means the same as defined in the State Grid Code.

aa) "Force Majeure Event" means the Force Majeure Event as defined in the Tariff Regulations;

bb) "green energy" means the same as defined in Green OA Rules sand as specified in detail in regulation 2.4 of these regulations;

cc) "Green Energy Open Access" means the same as prescribed in rule 5 of Green OA Rules which includes the open access meant for conveying of green energy;