

**Central Electricity Regulatory Commission
New Delhi**

Notification (Draft)

Date: 9th August, 2018

No.-L-1/(3)/2009-CERC: In exercise of the powers conferred under section 178 of the Electricity Act, 2003 and all other powers enabling in this behalf, and after previous publication, the Central Electricity Regulatory Commission hereby makes the following regulations to amend Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters Open Access in inter-State Transmission) Regulations, 2009, as amended from time to time (hereinafter referred to as “the Principal Regulations”), namely:-

1. Short Title and Commencement

(1) These regulations may be called the Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) (Seventh Amendment) Regulations, 2018

(2) These regulations shall come into force from the date of their publications notification in the Gazette of India.

2. Amendment to Regulation 2 of the Principal Regulations:

(1) The sub-clause (b)(i)(a) of Clause (1) of Regulation 2 of the Principal Regulations shall be substituted as under:

“(a) A generating station other than Renewable Energy Generating station, with installed capacity of 250 MW and above, including a captive generating plant of exportable capacity of 250 MW and above or;”

(2) The following sub-clause shall be added after sub-clause (b)(i)(a) of clause (1) of Regulation 2 of the Principal Regulations, namely:

“(aa) A Renewable Energy generating station with installed capacity of 50 MW and above, or;”

(3) The sub-clause (b)(i)(b) of Clause (1) of Regulation 2 of the Principal Regulations shall be substituted as under:

“(b) A Hydro Generating station of installed capacity between 50 MW and 250 MW.”

(4) The sub-clause (b)(i)(c) of Clause (1) of Regulation 2 of the Principal Regulations shall be substituted as under:

“(c) One of the Hydro Generating stations or standalone storage project individually having less than 50 MW installed capacity, but collectively having an aggregate installed capacity of 50 MW and above, and acting on behalf of all these generating stations, and seeking connection from CTU at a single connection point at the pooling sub-station under CTU, termed as the lead generator, or,”

(5) The following sub-clause shall be added after sub-clause (b)(i)(c) of clause (1) of Regulation 2 of the Principal Regulations, namely:

“(cc) Renewable Energy generating station individually having less than 50 MW installed capacity, but collectively having an aggregate installed capacity of 50 MW and above, and acting on behalf of all these generating stations, and seeking connection from CTU at a single connection point at the pooling sub-station under CTU, termed as the lead generator, or”

(6) The sub-clause (b)(i)(e) of Clause (1) of Regulation 2 of the Principal Regulations shall be substituted as under:

“(e) Any renewable energy generating station of 5 MW capacity and above developed by a generating company in its existing generating station of the description referred to in sub-clauses (b)(i)(a) to (cc) of this clause and seeking connectivity to the existing connection point with inter-State Transmission System through the electrical system of the generating station subject to availability of Connectivity capacity in existing station as assessed by CTU.”

(7) The sub-clause (b)(i)(f) of Clause (1) of Regulation 2 of the Principal Regulations shall be substituted as under:

“(f) Any company or entity authorized by the Central Government or State Government as Renewable Power Park developer or;”

(8) The following two sub-clauses shall be added after sub-clause (b)(i)(f) of clause (1) of Regulation 2 of the Principal Regulations, namely:

“(g) Any company or entity designated by the Central Government or State Government as Implementing Agency on behalf of the Renewable Power Developers who are eligible for grant of connectivity under Clause 2(1)(b)(i)(aa) and 2(1)(b)(i)(cc) or;

(h) A Project Developer based on standalone storage source(s) of installed capacity 50 MW or above.”

(9) Sub-clause (b)(ii) of clause (1) of Regulation 2 shall be substituted as under:

“(ii) A generating station including a captive generating plant, a consumer, an electricity trader or a distribution licensee or applicant covered under Clauses 2(1)(b)(i)(a) to (e) and 2(1)(b)(i)(h), in respect of long-term access or medium-term open access, as the case may be;”

(10) Sub-clause (b)(iii) of clause (1) of Regulation 2 shall be substituted as under:

“(iii) Applicants covered under Clause 2(1)(b)(i)(f) or Clause 2(1)(b)(i)(g), in respect of long term access.”

(11) The following provisions shall be added after sub-clause (k) of clause(1) of Regulation 2 of the Principal Regulations,

“(k-a) “Implementing Agency” means a company or entity designated by the Central Government or the State Government for selection of Renewable Power Developer and to act as Intermediary Procurer who shall buy power from these developers and sell the same to one or more distribution licensees in accordance with the Guidelines issued from time to time by the Ministry of Power, Government of India or the Ministry of New and Renewable Energy, Government of India or the State Government.”

(12) The following provisions shall be added after sub-clause (r) of clause (1) of Regulation 2 of the Principal Regulations, namely :

“(r-a) “Renewable Energy Generating Station” shall mean a generating station based on any renewable source of energy, and shall include Renewable Hybrid Generating Station

(r-b) “Renewable Hybrid Generating Station” shall mean a generating station based on hybrid of any renewable source(s) with or without storage;

(r-c) “Renewable Hybrid Power Park” shall mean the Power Park based on hybrid of any renewable source(s) with or without storage;

(r-d) “Renewable Power Developer” shall mean a Solar Power Developer or Wind Power Developer or Renewable Hybrid Power Developer which shall be responsible for developing the Renewable Energy Generating Station;

(r-e) “Renewable Power Park Developers” shall mean a Solar Power Park Developer or Wind Power Park Developer or Renewable Hybrid Power Park Developer;”

(13) The following provision shall be added after sub-clause (u) of clause (1) of Regulation 2 of the Principal Regulations:

“(u-a) “Storage” means energy storage system utilizing methods and technologies like, Solid State Batteries, Flow Batteries, Pumped Storage hydro-power, Compressed Air, or any other technology, to store various forms of energy;”

3. Amendment of Regulation 5 of the Principal Regulations:

(1) The First proviso of Regulation 5 of the Principal Regulations shall be substituted as under:

“Provided that an application for connectivity is not required to be made by any transmission licensee;”

4. Amendment of Regulation 8 of the Principal Regulations:

(1) The First Proviso to Regulation 8 (1) shall be substituted as under:

“Provided that where after filing of an application, there has been any material change in the location of the applicant or change in the quantum of power to be interchanged with the inter-state transmission system, by more than 100 MW in the case of applicant defined under sub-clauses (b)(i)(a) of Clause (1) of Regulation 2, 100MW or 40% of the installed capacity, whichever is less, in the case of applicant defined under sub-clauses (b)(i)(aa), (b)(i)(b), and (b)(i)(h) of Clause (1) of Regulation 2 and 100MW or 40% of the aggregate installed capacity, whichever is less, in the case of applicant defined under sub-clauses (b)(i)(c) and (b)(i)(cc) of Clause (1) of Regulation 2, such an applicant shall make a fresh application, which shall be considered in accordance with these regulations.”

(2) A new proviso shall be added after first proviso to clause (1) of Regulation 8 of the Principal Regulations as under:

“Provided that an applicant connected with the grid or granted connectivity for a specific project can, with prior approval of CTU, utilize the same Connectivity for additional generation capacity (for same or hybrid of renewable sources), subject to the condition that net injection at any point of time does not exceed the quantum of total Connectivity granted for the existing project. For such additional generation capacity, existing generating station shall undertake all operational and commercial responsibilities for the additional capacity in following the provisions of the Indian Electricity Grid Code and all other regulations of the Commission, such as grid security, scheduling and dispatch, collection and payment/adjustment of Transmission charges, UI charges, congestion and other charges etc., and submit an undertaking in this regard to the CTU, with copy to the respective RLDC in whose control area it is located.”

(3) Further, in the existing 2nd proviso to Regulation 8(1) (3rd proviso as per the proposed amendment), the words “and Regulation 2(1)(b)(i)(cc)” shall be added after the words “Provided further that the application by the applicant defined under Regulation 2 (1) (b) (i) (c)”.

(4) The existing Fourth Proviso (5th proviso as per the proposed amendment) to Regulation 8 (1) shall be substituted as under:

“Provided also that the Renewable Power Park Developer is authorised by the Central or State Government to undertake infrastructural activities including arrangement for connectivity on behalf of the Renewable power generators.”

(5) The following provisions shall be added after Clause (2) of regulation 8 of the Principal Regulations:

“(2A) Applications for grant of Connectivity made by applicants covered under sub-clauses (aa), (cc), (e), (f), (g) and (h) of Clause (1)(b)(i) of Regulation 2 shall be processed in two stages:

- (a) Stage-I Connectivity
- (b) Stage-II Connectivity

(2B) Grant of Stage-I and Stage-II Connectivity shall be as per the Detailed Procedure issued from time to time.

Provided that the Detailed Procedure for grant of Connectivity to Projects based on renewable Sources to inter-State transmission system issued vide order dated 15.5.2018 in File No. L-1/(3)/2009-CERC shall be deemed to have been issued under these Regulations.

(2C) In case of applicants covered under sub-clause (b)(i)(g) of clause (1) of Regulation 2, the connectivity granted to such applicants may be transferred or assigned, in part or full, in favour of the Renewable Power Developers selected by the said applicants after award of the project. On transfer or assignment of connectivity, such developers shall enter into Connectivity Agreement with CTU and accept all responsibilities and liabilities for connectivity as required under these Regulations and Detailed Procedure;”

(6) In the Clause (3) of the Regulation 8, the words “except applicants indicated in Clause 3A below” shall be added after the words “While granting connectivity, the nodal agency shall specify the name of the sub-station or pooling station or switchyard where connectivity is to be granted”.

(7) The following new sub-clauses shall be added after Clause (3) of regulation 8 of the Principal Regulations:

“(3A) For applicants covered under sub-clauses,(aa), (cc), (e), (f), (g) and (h) of clause (1)(b)(i) of Regulation 2, CTU shall grant Stage-I Connectivity by indicating two locations - one Primary and other alternate location.

(8) The First Proviso to sub-clause (8) of Regulation 8 of the Principal Regulations shall be substituted as under:

“Provided that in case of a thermal generating station of 500 MW and above or a hydro generating station or a renewable energy generating station or a project based on standalone storage source(s) of capacity of 250 MW and above, CTU shall plan the system such that maximum length of dedicated transmission line does not exceed 100 km from switchyard of the generating station till the nearest pooling substation of transmission licensee.”

(9) A new Clause shall be added after regulation 8 of the Principal Regulations:

“8A. Transfer of Connectivity and LTA

A person shall not transfer, assign or pledge its connectivity or LTA and the associated rights and obligations to any other person.

Provided that the above provision shall not be applicable to applicants defined under Regulation 2(1)(b)(i)(g).

Provided further that 100% subsidiary companies shall be allowed to utilize the connectivity granted to the parent company and vice versa.”

5. Amendment of Regulation 9 of the Principal Regulations:

- (1) The Clause (1) of Regulation 9 of the Principal Regulations, the word “awarding” shall be substituted with the word “granting”.

6. Amendment of Regulation 12 of the Principal Regulations:

- (1) In the Third Proviso to Clause (1) of Regulation 12 of the Principal Regulations, the words “except in cases involving Renewable Energy generating Station(s),” shall be added after the words “Provided also that”.
- (2) In the Fifth Proviso to Clause (1) of Regulation 12 of the Principal Regulations, the words “or 40%, as the case may be, as per first proviso to Regulation 8(1)” shall be added after the words “Provided also that in cases where there is any material change in location of the applicant or change by more than 100 MW”.
- (3) A new Clause shall be added after Clause (1) of Regulation 12 of the Principal Regulations as under:

“(1A) Notwithstanding anything contained in Clause 2A of Regulation 8, Stage-II Connectivity shall not be a pre-requisite for applying for LTA for applicants under Regulation 2(1)(b)(i)(e) and 2(1)(b)(i)(g).”

7. Amendment of Regulation 13 of the Principal Regulations:

- (1) The First proviso of Regulation 13 of the Principal Regulations shall be deleted.
- (2) The Clause (3) of Regulation 13 of the Principal Regulations shall be deleted.

8. Amendment of Regulation 15 of the Principal Regulations:

- (1) The Regulation 15 of the Principal Regulations shall be substituted as under:

“(1) The applicant shall sign an agreement for long-term access with the Central Transmission Utility in case long-term access is granted by the Central Transmission Utility, in accordance with the provision as may be made in the detailed procedure.

(2) While seeking long-term access to an inter-State Transmission licensee, other than the Central Transmission Utility, the applicant shall sign a tripartite long-term access agreement with the Central Transmission Utility and the inter-State Transmission licensee.

(3) The long-term 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, required.

(4) In case augmentation of transmission system is required, the long-term access agreement shall contain the time line for construction of the facilities of the applicant and the transmission licensee, the bank guarantee required to be given by the applicant and other details in accordance with the detailed procedure.”

9. Amendment of Regulation 21 of the Principal Regulations:

- (1) The Second proviso to clause (1) of Regulation 21 of the Principal Regulations shall be substituted as under:

“(1A) The applicant shall sign an agreement for medium-term open access with the Central Transmission Utility in case medium-term open access is granted by the Central Transmission Utility, in accordance with the provision as may be made in the detailed procedure.

(1B) While seeking medium-term open access to an inter-State Transmission licensee, other than the Central Transmission Utility, the applicant shall sign a tripartite medium-term open access agreement with the Central Transmission Utility and the inter-State Transmission Licensee.

(1C) 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.”

10. Amendment of Regulation 27 of the Principal Regulations:

- (1) The First proviso of sub-clause (c) of Clause (2) of Regulation 27 of the Principal Regulations shall be substituted as under:

“Provided that the time period for construction of the transmission elements shall be consistent with the timeline for completion of projects as specified in the relevant Tariff Regulations issued by the Commission from time to time.”

11. Amendment of Regulation 29 of the Principal Regulations:

- (1) The Regulation 29 shall be deleted.

(Sanoj Kumar Jha)
Secretary

Note: Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 were published in Part III, Section 4, No. 140 of the Gazette of India (Extraordinary) dated 10.08.2009 and amended vide -

(a) Amendment Regulations, 2010 which was published in Part III, Section 4, No. 225 of the Gazette of India (Extraordinary) dated 07.09.2010.

(b) Second Amendment Regulations, 2012 which was published in Part III, Section 4, No. 72 of the Gazette of India (Extraordinary) dated 22.03.2012.

(c) Third Amendment Regulations, 2013 which was published in Part III, Section 4, No. 86 of the Gazette of India (Extraordinary) dated 26. 03.2013

(d) Fourth Amendment Regulations, 2014 which was published in Part III, Section 4, No. 245 of the Gazette of India (Extraordinary) dated 21.08.2014.

(e) Fifth Amendment Regulations, 2015 which was published in Part III, Section 4, No. 171 of the Gazette of India (Extraordinary) dated 19.05.2015.

(f) Sixth Amendment Regulations, 2017 which was published in Part III, Section 4, No. 98 of the Gazette of India (Extraordinary) dated 10.03.2017.