

THE TATA POWER COMPANY LTD.

# Procedure for Distribution Open Access

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**June, 2016**

The Distribution Open Access Procedure has been made as per the requirements of the MERC (Distribution Open Access) Regulations, 2016 issued by Maharashtra Electricity Regulatory Commission

**Procedure for Distribution Open Access**  
**In compliance with MERC (Distribution Open Access) Regulations, 2016**

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## Procedure for Distribution Open Access

### In compliance with MERC (Distribution Open Access) Regulations, 2016

#### **A. Background**

1. Maharashtra Electricity Regulatory Commission (MERC) has notified the MERC (Distribution Open Access) Regulations, 2016 on 30<sup>th</sup> March, 2016. This procedure is being framed in accordance with these Regulations and shall be applicable for all applications made to Tata Power-D for seeking open access.
2. The consumer eligible and availing open access from Tata Power-D shall comply with all the relevant provisions pertaining to the MERC (Distribution Open Access) Regulations, 2016, State Grid code and any other procedure of SLDC related to Open Access arrangements, failing which Tata Power-D shall be at liberty to revoke the Open Access permission.
3. Tata Power-D may review / revise / modify / amend the provisions of these procedures prospectively as and when considered necessary and with prior approval of the Hon'ble Commission, and in accordance with the MERC (Distribution Open Access) Regulations, 2016 and its amendment or any general or specific Order issued by the Hon'ble Commission from time to time, pertaining to open access arrangement.

#### **B. Eligibility for seeking Open Access**

4. A consumer, located in the Distribution Licence Area of Tata Power-D, connected to or proposing to get connected to Tata Power-D's distribution network, who has no dues pending with Tata Power-D and fulfils the conditions listed in the Table 1 below, shall be eligible for seeking Distribution Open Access. (*Regulation 3.2*)

5. This procedure is also applicable to consumers who are taking/ proposing to take supply from Tata Power-D but not connected to the Distribution Wires Network of Tata Power-D. However in cases where the consumer is already having an existing open access arrangement with the other distribution licensee, the consumer would have to apply for open access afresh to Tata Power- D.

**Table 1: Eligibility criteria for availing Open Access**

Specific parameters	Eligibility Conditions
Consumer's Contract Demand (Applicable for captive as well as third party open access)	<ul style="list-style-type: none"> <li>The Contract Demand of the Consumer seeking open access (OA) from Tata Power-D should be equal to or more than 1 MW.</li> </ul>
Power to be availed on open access.	<ul style="list-style-type: none"> <li>The maximum demand of OA consumer in each financial year subsequent to grant of Open Access shall be equal to or greater than 70% of the thresholds limit (1 MW).</li> </ul>
Source related conditions	<ul style="list-style-type: none"> <li>Individual Open Access Consumer shall be eligible for availing supply from multiple sources of power such as Captive Generator, Third party Generators, Trader, Power Exchange, Other Distribution Licensee etc.</li> <li>Day ahead open access shall be permitted only if surplus capacity is available in the concerned Distribution Licensee's system. Application for grant of OA shall be made only one day prior to the date of scheduling, up to 12:00 hrs.</li> </ul>

*Notes: i. Unity power factor shall be considered for conversion from MVA / kVA to MW / kW.*

6. Individual Consumer located in Distribution Franchisee area shall also be eligible for Open Access; however Distribution Franchisee shall not be eligible for the Open Access except in its capacity as a Consumer.

### **C. Time Periods for availing Open Access**

7. The open access can be availed for the following periods:

**Table 2: Types of Open Access**

Sr. No	Type of OA	Time Period
I	Short Term Open Access (STOA)	Not exceeding 1 month at a time
II	Medium Term Open Access (MTOA)	Exceeding 3 months but not exceeding 3 years
III	Long Term Open Access (LTOA)	Exceeding 12 years but not exceeding 25 years

**D. Application Format and Documentation (Regulation 4.1 & 8 )**

8. Tata Power-D shall be the Nodal Agency for making application for open access for procurement of power within the state. The consumer shall submit the distribution open access application to Tata Power-D. (Regulation 8.2, 8.4).
9. A consumer, who is eligible for open access as per (B) above, may apply for short term or medium term or long term distribution open access to Tata Power-D. Separate application shall be made for each connection / metering point and for each transaction.
10. The list of mandatory documents / formats and case specific documents / formats to be submitted by the consumer as a part of the Distribution Open Access Applications are as follows:
- **Mandatory Documents:**
    - i. Form of Application for Connectivity as per **Annexure I**
    - i. Connection and use of distribution system agreement as specified in **Annexure II**
    - ii. Application format for Short Term Open Access: **Annexure III**  
Or Application format for Medium / Long Term Open Access: **Annexure IV**
    - iii. Non refundable Application Fees of Rs. 2,500 per application in cash or by demand draft payable in favour of "The Tata Power Company Limited".
    - iv. Security Deposit as per Regulation 14.9 and 25.
    - v. Latest paid electricity bill of the consumer.

**Case Specific Documents:**

- i. Copy of Supply Agreement
- ii. Proof of payment of Application fee
- iii. Copy of Trading licence
- iv. Copy of relevant document from the Power Exchange if power is sought from Power Exchange (Registration/Membership details, Member-client agreement, etc.)
- v. Single Line Diagram (SLD) to be required pertain to Injection & drawl point.
- vi. SEM Commissioning certificate, if already installed.
- vii. For OA through Captive Model the following additional documents would be required.
  - o Memorandum of Association
  - o Chartered Accountant Certificate of shareholding pattern to establish equity contribution of 26% or more by the consumers in the supplier's power plant.
  - o Undertaking for not less than 51% self consumption on annual basis as per Electricity Rules, 2005
- viii. Certificate of commissioning or grid connectivity of the source generator to be provided prior to intended date of medium term or long term open access.
- ix. The application for long term open access shall be accompanied by a a bank guarantee of Rs 10,000/- (Rupees Ten thousand) per MW of the total power to be transmitted and Rs. 5000/- per MW in case the source is a Renewable Energy Source and shall subsist till the execution of the Long Term Open Access Agreement in the case when augmentation of distribution system is required, and till operationalization of Long-term Open Access when augmentation of distribution system is not required. The bank guarantee shall be in favour of the Distribution Licensee. In case of withdrawal of the application by the Consumer anytime before the effectiveness of the open Access Agreement, Tata Power-D shall be liable to encash the Bank Guarantee provided by the consumer.

**Other Requirements/Information**

- i. Availability of capacity in the Distribution system is a mandatory requirement for approval of open access in case of consumers not connected to Tata Power-D network or consumers intending to enhance their Demand.
- ii. The Applicant shall have to bear the cost of augmentation of distribution system, if required.
- iii. Further, a suitable piece of land or room on the Applicant's premises, have to be provided by the Applicant for installation of electrical plant or equipment if required to provide connection.
- iv. The completed application along with all relevant annexure has to be submitted to the Office of Distribution Support Services at the following address.

**Head - Billing & Connection Management****Distribution Support Services****Dharavi Receiving Station, Matunga Labour Camp Area,****The Tata Power Company Limited.****Mumbai – 400 019****E. Timelines for making application**

11. The timelines for submitting the OA applications to Tata Power-D for grant of open access shall be as follows:

**Table 3: Timelines for making Open Access Applications**

	Type of OA	Time Period	Timeline for making application
I	Short Term Open Access	<b>Not exceeding 1 month at a time</b>	
A	In Advance		Upto 4 months in advance and not later than 10 <sup>th</sup> day of preceding months. (Separate application shall be made for each month and for each transaction in a month)
B	Day-ahead		Only 1 day prior to the date of scheduling, upto 12:00 hours

	Type of OA	Time Period	Timeline for making application
II	Medium Term Open Access	Exceeding 3 months but not exceeding 3 years	Upto 1 years in advance but at least 3 months before the date from which OA is sought
III	Long Term Open Access	Exceeding 12 years but not exceeding 25 years	Atleast 2 years before the date from which OA is sought

*Example:* For any request for short term open access received by way of an application on or before 10<sup>th</sup> day of December, the open access will be permitted from 1<sup>st</sup> of January. In case Tata Power receives open access on the 11<sup>th</sup> day of December, open access shall be considered from 1<sup>st</sup> of February.

#### **F. Scrutiny of application**

12. Upon the receipt of open access application, Tata Power shall scrutinise the application and the supporting documents for completeness, correctness and relevance of the application as per the following checklist:
  - i. Completeness of the Application form.
  - ii. Verification of Contracts Demand with Tata Power records;
  - iii. Match of the dates / duration of open access as requested and the dates / duration of the LOI /MoU/PPA between the Consumer and Supplier;
  - iv. Existing dues for more than two billing cycles; and
  - v. Outstanding disputes related to electricity charges.

#### **G. Communication of acceptance or shortfall in application to Applicant**

13. Tata Power shall communicate to the Applicant / consumer about acceptance of application within (5) working days of the receipt of application along with the following information / requirements:
  - i. Details of any shortcoming in application or supporting documentation, with advice to rectify the shortcoming.



- ii. Details of outstanding dues existing for more than two billing cycles or any outstanding disputes related to electricity charges.
14. The acknowledgement of receipt of completed application for Open Access shall be provided in the format as given in the Distribution Open Access Regulation 2016 in case of short term open access.
  15. Tata Power will convey grant of open access or otherwise as per the format provided in **Annexure III- ST2** in case of short term open access along with schedule of payments to the consumer within 10 working and assign specific reason in writing if open access is not granted.
  16. Further, for medium term open access applications, Tata Power will grant or refuse open access within 60 days, for the period stated in the application on being satisfied that the requirements under Regulation 8 are met. In case the open access is granted for a period less than that sought by the applicant, Tata Power shall record the reasons in writing.
  17. Tata Power shall convey its decision on the grant of Long Term Open Access within 120 days if the system augmentation is not required, or within 180 days otherwise. While granting open access on long term, Tata Power shall communicate to the Applicant the date from which Long Term Open Access shall be granted and the details of associated charges like wheeling charges cross subsidy surcharge, regulatory asset charges and additional fixed charges.
  18. In case of rejection of application as per above, the application processing fee of Rs 2500/- shall stand forfeited.

#### **H. Signing of the Connection & Use of Distribution System Agreement (Regulation 6.2)**

19. Long term and Medium term OA consumers shall initiate the process of signing the 'Connection & Use of Distribution System Agreement' within 30 days of the grant of open access as per format as in **Annexure II**.

20. The Agreement shall be signed by the consumer connected to Tata Power's network, and authorised representative of Tata Power-D before commencing with procurement of power on open access. This Agreement shall be signed after :
- Confirming completion of all works and fulfilment of all requirement as per Statute (including installation of SEM meters at generator end as well as Consumer end)
  - Intimating the date and time of final meter reading and commencement of the Connection & Use of Distribution System Agreement.
21. Tata Power-D shall provide at least 10 days notice to the Consumer before signing the 'Connection & Use of Distribution System Agreement'.

#### **I. Installation of Special Energy Meters**

22. Tata Power-D shall test and install Special Energy Meter (SEM) within sixty days from receipt of a request from the consumer or Generating station, that is capable of time-differentiated measurement for time-block-wise active energy in accordance with State Grid Code and with online communication facility with MSLDC for energy accounting for consumers availing Open Access at their cost.
23. The Open Access consumer shall purchase this meter as per specifications provided by Tata Power-D. However, installation of such meters shall be done by Tata Power-D.

#### **J. Meter Reading**

24. Final Meter reading of the consumer shall be taken by the distribution licensee from the date of commencement of Open Access. It shall be taken in the presence of the Consumer or his representative, and the Generating Company or Licensee from whom the consumer intends to obtain supply of electricity, after written intimation to them.
25. Tata Power-D shall carry out the meter reading at least once in every month.

**K. Revision of Contract Demand (Regulation 4.2)**

The Contract Demand of a consumer availing LTOA or MTOA shall be governed by the provisions of the Electricity Supply Code and the Regulations of the commission governing standards of performance.

Short term Open Access consumer shall not be eligible to revise the contract demand with distribution licensee during the tenure of STOA, but may do so at the time of applying for Open Access.

**L. Scheduling (Regulation 16)**

26. The scheduling of Inter-state open access transactions shall be in accordance with the provision of the Indian Electricity Grid code

27. Intra-state Open Access transactions in respect of –

- i. Full Open Access Consumers connected to Distribution System & all Generating stations connected to transmission system - shall be scheduled by MSLDC in accordance with the State Grid Code.
- ii. Partial Open Access Consumer shall submit his Day-ahead schedule to Tata Power-D by 10:00 am of the preceding day which shall be considered when Tata Power-D provides data to SLDC. This schedule shall be after considering the applicable transmission and wheeling losses. Further, the following needs to be noted with respect to scheduling:
  - a. Scheduling shall not be applicable for Non-firm Renewable Energy sources.
  - b. Revision of schedule shall be permitted as per IEGC & State Grid Code.

**M. Scheduling and Operation Coordination**

28. Open Access consumer shall designate a coordinator for scheduling related activities.

29. Consumer shall submit to Tata Power-D, the contact details, Phone/Mobile number, FAX number, email address, etc. of the coordinator appointed by him for scheduling and

operations coordination and keep Tata Power-D updated in case of any changes in the same.

30. The "Schedule with Tata Power" shall be submitted by the mode of fax and/or email to Load Control Centre (LCC) of Tata Power at Email: psc@tatapower.com, Fax: 022-67175385/ Tel: 022- 25543331/022- 67175377. LCC shall incorporate this schedule of the Open Access Consumer in the schedule of Tata Power, as the Open Access Consumer is an embedded consumer of Tata Power.

#### **N. Non-utilisation of Short-term Open Access**

31. If the consumer, Generating station or Licensee, as the case may be is unable to utilize for more than 4 hours the full or substantial part of its allocated capacity, it shall inform the Tata Power, & may surrender the use of such capacity but shall pay transmission and wheeling charges applicable to the original reserved capacity & period. If the Tata Power is able to re-allocate this capacity, the entity who has surrendered the capacity shall be refunded transmission & wheeling charges based on the amount & period of the reallocated capacity.
32. Tata Power may cancel or reduce the capacity allocated, to the extent that it is under-utilised and after giving notice to the affected parties;
  - a) When such capacity is under-utilised for more than 3 days, or
  - b) When the Consumer, Generating Company or licensee as the case may be, fails to inform Tata Power of its inability to utilize the allocated capacity.

The capacity available as a result of such surrender or reduction cancellation of capacity may be allocated to any other STOA applicant.

#### **O. Billing**

33. Tata Power shall issue bills on a monthly basis and the consumer shall pay the bills as per the timelines specified Electricity Supply Code.
34. In case of partial open access, the energy used from Tata Power will be billed as per relevant MERC tariff order issued from time to time and provisions in the MERC (Distribution Open Access) Regulations, 2016.

35. For the firm power open access consumers, the energy procured from Tata Power in 15 minutes time slot shall be arrived at after deducting the power procured (as per MSLDC) on open access in 15 minutes time slot on Open Access from the consumption metered in 15 minutes time slot.
36. In case, 15 minutes reading at the generator end is not available for wind/solar/hydro generation procured on open access, the same shall be adjusted in TOD slots to arrive at power procured from Tata Power in the TOD time slots.

**P. Banking of Renewable Energy Generation:**

- i. The surplus energy from a 'non-firm' Renewable energy generating station after set off shall be banked with the Tata Power.
- ii. The banking year shall be the financial year from April to March.
- iii. Banking of energy shall be permitted during all 12 months of the year but credit for banked energy shall not be permitted during the month of April, May, October & November.
- iv. The energy banked during peak TOD slots may also be drawn during off-peak TOD slots, but the energy banked during off-peak TOD slots may not be drawn during peak TOD slots.

**Q. The charges for open access shall include the following (Regulation 14):**

- i. **Wheeling Charges** shall be payable on the basis of actual energy drawal at the consumption end i.e. Energy at T<>D interface and shall be as determined by MERC. Wheeling charges shall not be applicable in case a consumer or a Generating station is connected to the transmission line directly or using dedicated lines owned by the consumer. (Regulation 14.6).
- ii. **Cross Subsidy Surcharge (CSS)** shall be levied to all open access consumers other than for power purchase on open access through a captive generating plant and shall be based on actual energy drawn at consumption end i.e. at the meter (Regulation 14.7). CSS in case of RE source shall be stipulated by MERC from time to time. However, the captive open access consumers have to certify their captive status at the end of each

financial year. In case the captive conditions are not met CSS will be applicable on the entire consumption through open access.

iii. **Regulatory Asset charges** as approved by MERC. (Regulation 14.1 (vi))

iv. **Additional Surcharge**, as and when approved by MERC (Regulation 14.8)

The additional surcharge shall be applicable to all consumers who have availed open access to receive supply from a source other than the Tata Power to which they are connected.

The additional surcharge determined on a per unit basis shall be payable monthly by the open access consumer based on the actual energy drawn during the month through open access.

v. **MSLDC Fees** (Regulation 14.1)

If the Distribution Licensee schedules power for the Open Access Customer, the SLDC fees and charges payable by the Licensee shall be shared with the consumer based on the ratio of scheduled demand of Open Access sought to the total demand of Distribution Licensee on a pro-rata basis for Long-term and Medium-term Open Access consumer.

vi. **Scheduling and other operating charges** (Regulation 14.1)

The scheduling and other operating charges shall be levied by Distribution Licensee for Open Access consumer at the same rate as approved by the Commission for Open Access consumers in the Order of MSLDC Fees & Charges and Schedule of charges. Monthly Operating Charges of Rs 2500 per Month will be applicable as per Schedule of charges.

vii. **Transmission Charges** (for partial OA consumer as per Regulation 14.1(v)) As Approved by MERC from Time to Time through InSTS Tariff Order:

viii. **Imbalance Charges**

The treatment of imbalance in case on firm / infirm power shall be as follows:

**Table 7: Imbalance Charges**

Event	Chargeability
Over drawal	<u>Energy Charge</u> Higher of the following:

	<p>a. System Marginal Charges + Other Incidental Charges (Other Incidental Charges shall include Net UI charges, Additional UI)</p> <p>b. Variable Charge of Temporary Tariff Category</p> <p><u>Demand Charge</u></p> <p>Penal Demand Charge shall be levied in case of OA consumer Contract Demand</p>
<b>Under drawal</b>	<ul style="list-style-type: none"> <li>• Tata Power shall not pay any charges to OA consumer.</li> <li>• If any penal charges are levied on Tata Power then the same shall be applicable to OA consumer on prorated basis.</li> </ul>
<b>Surplus Energy from RE source</b>	<ul style="list-style-type: none"> <li>• It shall be banked with Tata Power after set off (Regulation 20)</li> <li>• Banking charges shall be adjusted in kind @ 2% of the energy banked.</li> <li>• The unutilised banked energy at the end of the financial year, limited to 10% of actual total generation by such RE source shall be purchase by the Tata Power at its pooled cost of power purchase for that year.</li> </ul>

**ix. Reactive Energy Charge (Regulation 21)**

The computation of Reactive Energy Charge shall be in following manner:

**Table 9: Reactive Energy Charge**

<b>Consumer</b>	<b>Chargeability</b>
<b>OA Consumer having load 5 MW or more</b>	In accordance with provisions stipulated in the State Grid Code and MYT Regulations, 2015
<b>OA Consumer having load less than 5 MW</b>	Shall be calculated on Power Factor basis as specified by the Commission
<b>Renewable Energy Generating Stations</b>	Shall be in accordance with the charges approved by the commission in its relevant Tariff Orders.

**x. Additional Security Deposit: (Regulation 14.9)**

- i. The consumer will be required to furnish an additional security deposit for wheeling equivalent to one month's billing for wheeling charge, CSS and additional surcharge on the charges of wheeling. In case of short term open access, the Tata Power shall collect an additional Security deposit for wheeling commensurate with the duration of OA instead of on the basis of one month's billing.
- ii. The amount of additional security deposit may be adjusted when the amount of additional security required or surplus security held exceeds 10% of the balance with the Tata Power, in accordance with Regulation 14.9 of the Regulations.
- iii. In case of new Consumer opting for Open Access along with connectivity for the first time Tata Power shall calculate the additional security deposit based on the anticipated use of the distribution system for wheeling of electricity and raise the demand accordingly.
- iv. Tata Power shall send a notice to the Consumer for deposit of additional Security Deposit and the same shall be required to be deposited by the consumer within fifteen (15) days from the receipt of the notice.
- v. Additional Security Deposit can be made in the form of Cash, Irrevocable Letter of Credit (L/C) or unconditional Bank Guarantee (BG). Cash deposit shall be entitled to earn interest at Bank Rate of the reserve bank of india and interest will be credited back to Consumer account as per prevailing practice.

**xi. Demand less than 70% of Contracted Demand through Open Access (Regulation 3.2)**

In case, the Open Access consumer fails to achieve the maximum demand of 70% of the Contracted Demand through Open Access for 3 consecutive months, Tata Power-D shall levy a penalty equal to 2 times wheeling charges for the period during which such exceptional event was recorded. In such case Tata Power-D shall initiate the process of reassessment and reinstatement / reduction of Contract Demand if the consumer has not complied this condition for 3 consecutive months.



**xii. Late / Default in Payment**

- a) 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 cent (%) per month shall be levied.
- b) Non-payment of any charge or sum of money payable by an Open Access consumer under these Regulations shall be considered non-compliance of these Regulations. The Distribution Licensee may discontinue Open Access after giving the consumer an advance notice of fifteen days without prejudice to its right to recover such charges as per provisions of the Act and also MSLDC may direct Distribution Licensee to disconnect such entity from the grid.

**xiii. Any other applicable charge (Regulation 14.1(vi))**

Surcharge or other sum recoverable from the consumer under the act or any Regulation or order of the Commission.

**R. Date of Effectiveness of Open Access (OA) Agreement**

- a. The OA Agreement executed between, the consumer and Tata Power shall be effective from the commencement date of Open Access as requested in the Application and contained in the Open Access Agreement, which date should necessarily conform to the timelines for submission of application given in Para 'E' above.
- b. In case of short term open access, the date of effectiveness shall be the start date of open access mentioned in the Consent issued by Tata Power-D in Annexure III-ST2 provided in the Regulations.
- c. Irrespective of which date the Consumer schedules power (in case of firm source) / provides Generation Credit Note (GCN) (in case of non-firm source), Open Access shall commence from the Effective Date as per paragraph Q(a) & (b) above for all commercial purposes.

- d. However, in case the Consumer is unable to schedule power due to permission of open access not being available from MSLDC / STU / Other Distribution Licensee for any reason, it shall be the responsibility of the Consumer to approach Tata Power-D with a written request to cancel (or suspend for a given period), the permission of open access given by Tata Power-D, in order to avoid commercial implications resulting from imbalance charges.
- e. The written request provided above must, in all cases of open access, be provided by the Consumer within 15 days of the date of effectiveness of open access as per paragraph Q(a) & (b) above, otherwise the same shall not be considered.
- f. For operational purposes and in order to avoid the complications of pro-rata billing, Consumers are advised to requisition open access from the 1<sup>st</sup> day of a month or commence scheduling of power under the OA Agreement from the 1<sup>st</sup> day of a month, as the case may be.

**S. Submission of Generation Credit Note (GCN), Schedules, Energy Credit and Commercial Settlements.**

- i. Energy accounting and settlement shall be carried out on 15 minutes time block basis for firm power Open Access consumers and and ToD wise for non-firm power open access consumers.
- ii. From the energy / demand recorded in the Consumer meter, scheduled OA entitlement shall first be adjusted to arrive at energy / demand consumption from Tata Power-D.
- iii. The credit of OA energy, supply energy under Contracted Demand and imbalance charges shall be as per the Regulations.
- iv. **Non- Firm Power:** Tata Power will raise the bill on open access consumer before 5<sup>th</sup> day of the month. Consumer shall submit to Tata Power the monthly Generation Credit Note (GCN). If the data is not submitted by the 5<sup>th</sup> day of every month, Tata Power shall bill the Consumer considering NIL energy credit. Whenever the Consumer provides the GCN with the data and when SLDC provides the credit of the same to Tata Power-D in the Intra-

State energy accounting, the bill for the respective month shall be revised and financial credit will be provided in the subsequent billing cycles.

**v. Firm Power:**

- i. In case generator of the Consumer is a State Pool Participant: The Credit of energy based on the implemented 15 min. schedules finalized by MSLDC will be provided by the consumer in the monthly billing.
- ii. In case generator is not a State Pool Participant: The Credit of energy will be based on actual 15 min. injection to be based on the GCN to be provided by the 5<sup>th</sup> of every month, for the previous month. In case the GCN is not provided by the Consumer on the 5<sup>th</sup> day of the month, Tata Power shall bill the Consumer considering NIL energy credit. Whenever the Consumer provides the GCN with the data and when SLDC provides the credit of the same to Tata Power in the Intra-State energy accounting, the bill for the respective month shall be revised and financial credit will be provided in the subsequent billing cycles.
- iii. In case of Open Access from Captive Power Plant, Consumer shall by 30<sup>th</sup> April of each financial year, submit a certificate issued by the SLDC or the Distribution Licensee providing Generation Credit Note about the percentage of generation allocated from the generating plant to the Consumer in such financial year.
- iv. In case of single generator supplying power to multiple consumers, the GCN issued to the generator must indicate the percentage or generation allocated to the each consumer separately.

**T. Compliances by Open Access Consumers**

- i. The open access consumer shall comply with the provisions of the Open Access Regulations of MERC, State Grid Code and all other relevant Regulations, Laws & norms or amendments thereof.

- ii. In addition, the open access consumer shall comply with the provisions of the Balancing and Settlement Code.

**U.** MERC has issued the order in the matter of Petition of Maharashtra State Electricity Distribution Co. Ltd. proposing Bank Guarantee / Letter of Credit equivalent to Cross-Subsidy Surcharge and Additional Surcharge from Captive Generators as payment security before providing Open Access, in case no. 23 of 2017 dated 17 January, 2018.

In the said order, MERC has set out the following modalities to be followed by the Distribution Licensees and the entities claiming to be CPPs:

**A. Shareholding Pattern:**

1. When Open Access is first sought, details of the shareholding pattern of the claimed CPP shall be submitted.
2. The above details of shareholding patterns should be supported by a Chartered Accountant (CA)'s Certificate.
3. In the event of any change in the shareholding pattern during the financial year, the revised shareholding should be intimated to Tata Power-D within 10 days, with CA certification.
4. The CA's Certificate should contain details of all shareholders, including the Captive Users, their voting rights *and period of shareholding (from & to)*
5. In case there is no change in the shareholding pattern during the financial year, the Generators should provide an undertaking to that effect along with the CA Certificate as at the end of the year.

**B. Metering:**

1. Each CPP Generating Unit shall have a separate Special Energy Meter (SEM) as per the specifications in the Central Electricity Authority (CEA) (Installation and Operation of Meters) Regulations, 2006 as amended from time to time.

2. The CPP should submit the details of all the unit wise meters to the Tata Power-D, like meters at generator terminal, meter for unit wise auxiliary consumption, meters at EHV side of the generator terminal, meters recording the consumption at the outgoing feeders and the consumption of captive consumers etc.
3. Downloading of monthly data of all these meters, Sealing of respective meters and their testing etc. shall be jointly undertaken by the Generator and Tata Power-D, and the State Transmission Utility (STU) (if relevant).
4. The general practice adopted for any HT consumer monthly meter reading should be followed.
5. The SEM meters should be tested periodically as per the prescribed testing procedures jointly with Tata Power-D. It should be periodically tested once in 5 years and also these meters shall be tested whenever the energy and other quantities recorded by the meter are abnormal or inconsistent
6. Tripping events of the CPP Generating Unit and transmission line should be informed to the Tata Power-D and MSLDC along with the period of outage.
7. Power from the non-CPP Units shall not be injected into the grid without appropriate permissions of the respective authorities.
8. By the 30th of April, the Generator shall submit all the relevant data required for establishing its CPP status in the previous financial year.
9. The data shall include the quantum of generation at the Generator Terminal, auxiliary consumption, consumption recorded at the EHV side of the Generator Transformer, the consumption recorded at the outgoing feeders and the consumption of captive consumers grossed up at the Generator Terminal level (along with the necessary computations).
10. This data shall be provided for each month of the financial year, in Excel format.
11. The Tata Power-D shall seek clarifications, if any, and confirm the CPP status or otherwise by 31 May. In case any clarifications required are not received or are inadequate, then the Tata Power-D and the Distribution Licensee(s) shall jointly decide on the CPP status and inform the Generator accordingly.
12. If the Generator is not satisfied with the status as determined by the Distribution Licensee(s), it may approach the Commission by 15 June. In that event, the

Distribution Licensee(s) shall not levy CSS and Additional Surcharge, if any, till the final decision of the Commission.

13. If the Generator does not approach the Commission by 15 June with any dispute regarding its CPP status, the Distribution Licensee(s) may proceed to levy the CSS and Additional surcharge, if any, with applicable interest. This shall be without prejudice to the Generator's statutory right to approach the Commission for adjudication of its dispute after that date.

#### **V. Amendments**

Amendments to the procedure shall be issued by Tata Power-D from time to time in accordance to the General or Specific orders of MERC or as a result of any amendments in the DOA Regulations or as Tata Power may deem fit so long as they are consistent with the regulation.