

Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009

UNION OF INDIA

India

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Rule

CENTRAL-ELECTRICITY-REGULATORY-COMMISSION-GRANT-OF-CONNECTIVITY, LONG-TERM ACCESS AND MEDIUM-TERM OPEN ACCESS IN INTER-STATE TRANSMISSION AND RELATED MATTERS) REGULATIONS, 2009

- Published on 7 July 2009
- Commenced on 7 July 2009
- [This is the version of this document from 7 July 2009.]
- [Note: The original publication document is not available and this content could not be verified.]

Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009Published vide Notification No. L-1/(3)/2009-CERC, dated 7.7.2009Last Updated 4th February, 2019No. L-1/(3)/2009-CERC. - In exercise of powers conferred by Section 178 of the Electricity Act, 2003 and all other powers enabling it in this behalf and after previous publication, the Central Electricity Regulatory Commission, hereby makes the following regulations, namely

-Chapter-1 Preliminary

1. Short Title and Commencement.

(1)These regulations maybe called 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.(2)[These regulations shall come into force on such date as the Commission may notify:] [Came into force w.e.f. 01.01.2010 vide notification No. L-1/(3)/2009-CERC published in Part m, Section 4, No. 02 of the Gazette of India (Extraordinary) dated 01.01.2010.]Provided that the date for the coming into force of these regulations shall be after

the 'detailed procedure' of the Central Transmission Utility has been approved by the Commission.

2. Definitions.

(1) In these regulations, unless the context otherwise requires: (a) 'Act' means the Electricity Act, 2003 (36 of 2003); (b) 'Applicant' means [Substituted vide First Amendment Regulation, 2010 w.e.f. 07.09.2010.] (i) The following in respect grant of connectivity: (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;] (aa) [A Renewable Energy generating station with installed capacity of 50 MW and above, or;] [Added by Notification No. L-1/(3)/2009-CERC, dated 9.1.2019 (w.e.f. 7.7.2009).] (b) [A Hydro Generating station of installed capacity between 50 MW and 250 MW. [Substituted by Notification No. L-1/(3)/2009-CERC, dated 9.1.2019 (w.e.f. 7.7.2009).] (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 or Standalone Storage Project, and seeking connection from CTU at a single connection point at the pooling sub-station forming part of ISTS, termed as the lead generator, or;] (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 one of them acting on behalf of all these generating stations, and seeking connection from CTU at a single connection point at the pooling sub-station forming part of ISTS, termed as the lead generator, or] [Added by Notification No. L-1/(3)/2009-CERC, dated 9.1.2019 (w.e.f. 7.7.2009).] (d) A bulk consumer. (e) [Any renewable energy generating station of 5 MW capacity and above developed by a generating company within or outside the premises of 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.] [Substituted by Notification No. L-1/(3)/2009-CERC, dated 9.1.2019 (w.e.f. 7.7.2009).] (ee) [Any renewable energy generating station of 5 MW capacity and above developed by a Renewable power park developer within or outside the premises of its existing Power Park of the description referred to in sub-clauses (b)(i)(g) of this clause and seeking connectivity to the existing connection point with inter-State Transmission System through the electrical system of the Renewable Power Park subject to availability of Connectivity capacity in existing Power Park as assessed by CTU;] [Added by Notification No. L-1/(3)/2009-CERC, dated 9.1.2019 (w.e.f. 7.7.2009).] (f) [Any company or entity authorized by the Central Government or State Government as Renewable Power Park developer or;] [Substituted by Notification No. L-1/(3)/2009-CERC, dated 9.1.2019 (w.e.f. 7.7.2009).] (g) [Any company or entity designated by the Central Government or State Government as Renewable Energy Implementing Agency on behalf of the Renewable Energy Generating Station(s) of the description under Clause 2(1)(b)(i)(aa) and 2(1)(b)(i)(cc) or;] [Added by Notification No. L-1/(3)/2009-CERC, dated 9.1.2019 (w.e.f. 7.7.2009).] (h) Project based on standalone storage source(s) of installed capacity 50 MW or above. (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;] (iii) Applicants covered under Clause 2(1)(b)(i)(f) and Clause

2(1)(b)(i)(g), in respect of long term access.]](c)'Bulk Consumer' means in respect of connectivity, any consumer who intends to avail supply of a minimum load of 100 MW from the Inter-State Transmission System;(d)'Commission' means the Central Electricity Regulatory Commission referred to in sub-section (1) of Section 76 of the Act;(e)'Connectivity' for a generating station, including a captive generating plant, a bulk consumer or an inter-State Transmission licensee means the state of getting connected to the inter-State Transmission system;(f)'Consumer' means any consumer eligible to avail open access as specified by the State Commission under sub-section (2) of Section 42 of the Act;(g)'Day' means the day starting at 00.00 hours and ending at 24.00 hours;(h)'Detailed Procedure' means the procedure issued by the Central Transmission Utility as referred to in Regulation 6 hereof;(i)'Grid Code' means the Grid Code specified by the Commission under Clause (h) of sub-section (1) of Section 79 of the Act;(j)'Intra-State Entity' means a person whose metering and energy accounting are done by the State Load Despatch Centre or by any other authorized State utility;(k)'Interface Meters' means interface meters installed in accordance with the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, specified by the Central Electricity Authority and amended from time to time;[(k-a) 'Renewable Energy Implementing Agency' means a company or entity designated by the Central Government or the State Government to act as Intermediary Procurer to select and buy power from Renewable energy generating station(s) and sell the same to one or more distribution licensees or any other person 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.] [Added by Notification No. L-1/(3)/2009-CERC, dated 9.1.2019 (w.e.f. 7.7.2009).](l)'Long-Term Access' means the right to use the inter-State Transmission system for a period exceeding 12 years but not exceeding 25 years;(m)'Long-Term Customer' means a person who has been granted long-term access and includes a person who has been allocated central sector generation that is electricity supply from a generating station owned or controlled by the Central Government;(n)'Medium-Term Open Access' means the right to use the inter-State Transmission system for a period exceeding 3 months but not exceeding 3 years;(o)'Medium-Term Customer' means a person who has been granted medium-term open access;(p)'Month' means a calendar month as per the British calendar;(q)'Nodal agency' means the Central Transmission Utility referred to in Regulation 4 hereof;(r)'Regional Entity' means a person whose metering and energy accounting are done at the regional level;[(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; [Added by Notification No. L-1/(3)/2009-CERC, dated 9.1.2019 (w.e.f. 7.7.2009).](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 Park Developers" shall mean a Solar Power Park Developer or Wind Power Park Developer or Renewable Hybrid Power Park Developer;](s)'Short-Term Open Access' has the meaning ascribed thereto in the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008;(t)'State Commission' means the State Electricity Regulatory Commission constituted under Section 82 of the Act and includes the Joint Commission constituted under Section 83 thereof;(u)'State Network' means the intra-State Transmission system owned by the State Transmission Utility, transmission licensee or the network of any other person who has been granted licence by the State Commission to establish or operate distribution lines

within the State;[(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 and deliver the stored energy in the form of electricity;] [Added by Notification No. L-1/(3)/2009-CERC, dated 9.1.2019 (w.e.f. 7.7.2009).](v)'Stranded Transmission Capacity' means the transmission capacity in the inter-State Transmission system which is likely to remain unutilized due to relinquishment of access rights by a long-term customer in accordance with Regulation 16.(2)Words and expressions used in these regulations and not defined herein but defined in the Act or the Grid Code or any other regulations specified by the Commission shall, unless the context otherwise requires, have the meanings assigned to them under the Act or the Grid Code or other regulations specified by the Commission, as the case may be.

3. Scope.

- These regulations, after they come into force, shall apply to the grant of connectivity, long-term access and medium-term open access, in respect of inter-State transmission system:Provided that a generating station, including captive generating plant or a bulk consumer, seeking connectivity to the inter-State transmission system cannot apply for long-term access or medium-term open access without applying for connectivity:Provided further that a person may apply for connectivity and long-term access or medium-term open access simultaneously.

4. Nodal Agency.

- The nodal agency for grant of connectivity, long-term access and medium-term open access to the inter-State transmission system shall be the Central Transmission Utility.

5. Filing of Application.

- Applications for grant of connectivity or long-term access or medium-term open access shall be made to the nodal agency:[Provided that an application for connectivity is not required to be made by any transmission licensee;] [Substituted by Notification No. L-1/(3)/2009-CERC, dated 9.1.2019 (w.e.f. 7.7.2009).]Provided, however, that an inter-State transmission licensee other than Central Transmission Utility, nevertheless, shall sign a connection agreement with the Central Transmission Utility, as provided for in Clause (5) of regulation 8 of these Regulations.

5A. [Processing of Application. [Added by Notification No. L-1/(3)/2009-CERC, dated 9.1.2019 (w.e.f. 7.7.2009).]

(a)All Applications shall be made online in accordance with detailed Procedure.(b)The applications complete in all respects, received online shall have a time and date stamp. Further, such applications received by 24:00 hrs. of the last day of the month shall be deemed to have been received during the month and shall be processed after the end of the month.(c)Upon submission of the online application, auto-generated acknowledgement for receipt of application shall be issued by

the nodal agency.(d)After scrutiny, nodal agency shall intimate the deficiencies in the application, if any, to the applicant within one week of receipt of application. The applicant shall rectify the deficiency within one week thereafter, failing which the application shall be closed and 20% of the application fees shall be forfeited and balance shall be refunded and the Bank Guarantee, if any, shall be returned within 15 days of closure of the application. If the rectified application is received from the applicant after 24:00 hrs of the last day of the month in which application is made, application shall be deemed to have been made in subsequent month and shall be processed accordingly.]

6. Application fee.

- The application referred to in regulation 5 shall be accompanied by a non-refundable application fee specified hereunder, payable in the name and in the manner to be laid down by the Central Transmission Utility in the detailed procedure: -

S. No.	Quantum of Power to be injected/off taken into/ from ISTS	Application fee (Rs. in lakh)	
For Connectivity	Long-term access	Medium-term open access	
1.	Up to 100 MW	2	2 1
1	More than 100 MW and up to 500 MW	3	3 2
2	More than 500 MW and up to 1000 MW	6	6 3
3	More than 1000 MW	9	9 4

7. Timeframe for processing of application.

- The application shall be processed by the nodal agency within the time limits specified hereunder: -

Nature of Application	Time limit for processing beginning the last day of the month in which application was received by the nodal agency
Connectivity	60 days
Long-term access	120 days where augmentation of transmission system is not required 180 days, where augmentation of transmission system is required
Medium-term open access	40 days
Chapter-3 Connectivity	

8. Grant of Connectivity.

(1)The application for connectivity shall contain details such as, proposed geographical location of the applicant, quantum of power to be interchanged that is the quantum of power to be injected in the case of a generating station including a captive generating plant and quantum of power to be

drawn in the case of a bulk consumer, with the inter-State transmission system and such other details as may be laid down by the Central Transmission Utility in the detailed procedure:[Provided that where after filing of an application, there has been a material change in the location or in the quantum of power to be interchanged with the inter-state transmission system, by more than 100 MW or 40% of the installed capacity, whichever is less, in the case of applicant defined under sub-clauses (b)(i)(a), (b)(i)(aa), (b)(i)(b), (b)(i)(d), (b)(i)(e), (b)(i)(f), (b)(i)(g) and (b)(i)(h) 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:Provided further that such change in quantum of power to be interchanged with inter- State transmission system shall be allowed only if the applicant remains eligible under clause 2(1)(b);] [Substituted by Notification No. L-1/(3)/2009-CERC, dated 9.1.2019 (w.e.f. 7.7.2009).][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 original project.For such additional generation capacity, the said generating station shall undertake all operational and commercial responsibilities for the additional capacity for compliance of 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, charges for deviation, congestion and other charges etc., and submit an undertaking in the prescribed format in this regard to the CTU, with copy to the respective RLDC in whose control area it is located. The applicant shall make an application to CTU for Connectivity for additional capacity and pay application fee as specified in Regulation 6 of these Regulations;] [Substituted by Notification No. L-1/(3)/2009-CERC, dated 9.1.2019 (w.e.f. 7.7.2009).]Provided further that the application by the applicant defined under Regulation 2 (1) (b) (i) (c) [and Regulation 2(1)(b)(i)(cc)] [Added by Notification No. L-1/(3)/2009-CERC, dated 9.1.2019 (w.e.f. 7.7.2009).], shall be considered by CTU only if all the generators, whose aggregate capacity is connected at the single connection point, formalize a written agreement among themselves that the lead generator shall act on behalf of all the generators to undertake all operational and commercial responsibilities for all the collective generators connected at that point 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 a copy of the agreement to the CTU, with the application of connectivity, along with a copy to the respective RLDC in whose control areas it is located:[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;] [Substituted by Notification No. L-1/(3)/2009-CERC, dated 9.1.2019 (w.e.f. 7.7.2009).][Provided also that the application by the applicant defined under Regulation 2(1) (b) (i) (f) shall be considered by CTU only if the Solar Power Park Developer is authorised by the Central Government to undertake infrastructural activities including arrangement for connectivity on behalf of the solar power generators.] [Proviso Added vide Fifth Amendment Regulations, 2015 w.e.f. 19.05.2015.][Provided further that the CTU shall suitably incorporate the requirement of formal agreement amongst such generators in the detailed procedure and Connection Agreement signed with such lead generator.]

[Entire Regulation 8 (1) except the third and fourth proviso was substituted vide First Amendment Regulations, 2010 w.e.f. 07.09.2010.](1A)[Projects based on storage source (s) shall apply for connectivity for the quantum of maximum injection or maximum drawal whichever is higher and shall sign separate agreement for both injection and drawal of power;] [Added by Notification No. L-1/(3)/2009-CERC, dated 9.1.2019 (w.e.f. 7.7.2009).](2)On receipt of the application, the nodal agency shall, in consultation and through coordination with other agencies involved in inter-State Transmission system to be used, including State Transmission Utility, if the State network is likely to be used, 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.(2A)[Applications for grant of Connectivity made by applicants covered under subclauses (aa), (cc), (f), (g) and (h) of Clause (1)(b)(i) of Regulation shall be processed in the following 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 an applicant covered under sub-clause (b)(i)(g) of clause (1) of Regulation 2, the connectivity and LTA granted to such an applicant may be transferred or assigned, in part or full, in favour of the Renewable Energy Generating Stations selected by the said applicants after award of the project. On transfer or assignment of connectivity and LTA, such Renewable Energy Generating Stations shall enter into Connectivity and LTA Agreement with CTU and accept all responsibilities and liabilities for connectivity as required under these Regulations and Detailed Procedure:Provided that up to such transfer or assignment, such Applicant shall be liable for all regulatory, operational and commercial obligations of a connectivity and LTA grantee:Provided further that upon transfer or assignment, the transferee Renewable Energy Generating Stations shall be liable for all regulatory and commercial obligations of a connectivity and LTA grantee for the quantum of connectivity and LTA so transferred or assigned.] [Added by Notification No. L-1/(3)/2009-CERC, dated 9.1.2019 (w.e.f. 7.7.2009).](3)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. In case connectivity is to be granted by looping-in and looping-out of an existing or proposed line, the nodal agency shall specify the point of connection and name of the line at which connectivity is to be granted. The nodal agency shall indicate the broad design features of the dedicated transmission line and the timeframe for completion of the dedicated transmission line.(3A)[Notwithstanding any provision to the contrary in any other Regulations or the Procedure, applicants covered under sub-clauses(aa), (cc), (f), (g) and (h) of clause (1)(b)(i) of Regulation 2 shall be grant Stage-I Connectivity by CTU by indicating one location and such other information as required under Clause (3)of this Regulation:Provided that if the capacity in the said location is fully allocated to Stage-II grantees, the balance Stage-I grantees shall be allocated Stage-II Connectivity to an alternate location.] [Added by Notification No. L-1/(3)/2009-CERC, dated 9.1.2019 (w.e.f. 7.7.2009).](4)The applicant and all inter-State Transmission Licensees including the Central Transmission Utility shall comply with the provisions of Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007.(5)The applicant or inter-State Transmission Licensee, as the case may be, shall sign a connection agreement with the Central Transmission Utility or inter-State Transmission licensee owning the sub-station or pooling station or switchyard or the transmission line as

identified by the nodal agency where connectivity is being granted: Provided that in case connectivity of a generating station, including captive generating plant or bulk consumer is granted to the inter-State transmission system of an inter-State Transmission Licensee other than the Central 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 Central Transmission Utility and such inter-State Transmission Licensee. (6) 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. (7) [Notwithstanding anything contained in Clause (6) of this Regulation and any provision with regard to sale of infirm power in the Power Purchase Agreement, a unit of a generating station including a captive generating plant which has been granted connectivity to the inter-State Transmission System in accordance with these regulations shall be allowed to interchange infirm power with the grid during the commissioning period, including testing and full load testing before the COD, after obtaining prior permission of the concerned Regional Load Despatch Centre for the periods mentioned as under:-(a) Drawal of Start-up power shall not exceed 15 months prior to the expected date of first synchronization and 6 months after the date of first synchronization. (b) Injection of infirm power shall not exceed six months from the date of first synchronization: Provided that drawal of Start-up power shall be subject to payment of transmission charges and the generator shall have to open a Revolving and Irrevocable Letter of Credit issued by a Scheduled Bank equivalent to 2 months transmission charges prior to drawal of Start-up power; Provided further that the Start-up power shall not be used by the generating station for the construction activities; Provided further that RLDC shall stop the drawal of the Start-up Power in the following events: (a) In case, it is established that the Start-up power has been used by the Generating Station for construction activity. (b) In case of default by the Generating Station in payment of monthly transmission charges to the transmission licensee for the drawal of Start-up power, on the request of the transmission licensee. Provided that the Commission may in exceptional circumstances, allow extension of the period for interchange of power beyond the period as prescribed in this clause, on an application made by the generating station at least two months in advance of completion of the prescribed period: Provided further that the concerned Regional Load Despatch Centre while granting such permission shall keep the grid security in view: Provided also that the onus of proving that the interchange of infirm power from the unit(s) of the generating station is for the purpose of commissioning activities, testing and commissioning, shall be with the generating company and the respective RLDC shall seek such information on each occasion of interchange of power before COD. For this, the generating station shall provide RLDC sufficient details of the specific commissioning activity, testing and full load testing, its duration and intended period of interchange, etc: Provided also that the infirm power so interchanged by the unit(s) of the generating plant shall be treated as deviation and the generator shall be paid/charged for such injection/drawal of infirm power in accordance with the provisions of the Central Electricity Regulatory Commission (Deviation Settlement Mechanism and related matters) Regulations, 2014, as amended from time to time or subsequent re-enactment thereof.] [Earlier substituted vide Second Amendment Regulations, 2012 w.e.f. 22.03.2012 and later substituted vide Fourth Amendment Regulations, 2014 w.e.f. 21.08.2014.] (8) [The dedicated transmission line from generating station of the applicant generating Company or any other entity on behalf of generating company to the pooling station of the transmission licensee (including deemed transmission licensee) shall be developed, owned and

operated by the applicant generating Company or any other entity on behalf of generating company. The specifications for dedicated transmission lines may be indicated by CTU while granting Connectivity or Long term Access or Medium term Open Access: Provided that CTU shall plan the system such that maximum length of dedicated transmission line does not exceed 100 km from switch yard of the applicant till the nearest pooling substation of transmission licensee: Provided further that dedicated transmission line may exceed 100 km, if such an Applicant, so chooses: Provided also that in case any connectivity grantee is not utilizing the bay allocated to it at ISTS substation, CTU may cancel its Connectivity as per provisions of these regulations and detailed procedure and allocate the bay to other Applicant. In such an event, the original grantee shall either dismantle its bay or enter into an Agreement with a new grantee as indicated by CTU for utilization of the bay within a period of 2 months of cancellation of Connectivity.] [Substituted by Notification No. L-1/(3)/2009-CERC, dated 9.1.2019 (w.e.f. 7.7.2009).]

8A. [Transfer of Connectivity and LTA. [Added by Notification No. L-1/(3)/2009-CERC, dated 9.1.2019 (w.e.f. 7.7.2009).]

- A person shall not transfer, assign or pledge its connectivity or LTA either in full or parts 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 transfer their connectivity and LTA to the parent company and vice versa one year after achieving commercial operation of Renewable Energy generating station(s): Provided further that transfer of Connectivity and LTA from the parent company to more than one 100% subsidiary shall be permitted one year after the commercial operation of the generating station of the last subsidiary and subject to minimum capacity as per Regulation 2(1)(b): Provided also that till such Connectivity and LTA are transferred, the concerned subsidiary company(ies) shall be allowed to utilize the Connectivity and LTA granted to the parent company and vice versa.] Chapter-4 Long-Term and Medium-Term Open Access

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

(1) Before [granting] [Substituted 'awarding' by Notification No. L-1/(3)/2009-CERC, dated 9.1.2019 (w.e.f. 7.7.2009).] long-term access, the Central Transmission Utility shall have due regard to the augmentation of inter-State transmission system proposed under the plans made by the Central Electricity Authority. (2) Medium-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: 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.

10. Relative priority.

(1) Applications for long-term access or medium-term open access shall be processed on

first-come-first-served basis separately for each of the aforesaid types of access: Provided that applications received during a month shall be construed to have arrived concurrently; Provided further that while processing applications for medium-term open access received during a month, the application seeking access for a longer term shall have higher priority; Provided also that in the case of applications for long-term access requiring planning or augmentation of transmission system, such planning or augmentation, as the case may be, shall be considered on 30th of June and 31st of December in each year in order to develop a coordinated transmission plan, in accordance with the perspective transmission plans developed by the Central Electricity Authority under Section 73 of the Act; Provided also that if an intra-State entity is applying for long-term access or medium-term open access, concurrence of the State Load Despatch Centre shall be obtained in advance and submitted along with the application to the nodal agency. The concurrence of the State Load Despatch Centre shall be in such form as may be provided in the detailed procedure. (2) Where necessary infrastructure required for energy metering and time-block-wise accounting already exists and required transmission capacity in the State network is available, the State Load Despatch Centre shall convey its concurrence to the applicant within ten working days of receipt of the application. (3) In case SLDC decides not to give concurrence, the same shall be communicated to the applicant in writing, giving the reason for refusal within the above stipulated period.

11. Interface Meters.

(1) Interface meters shall be installed -(a) by the Central Transmission Utility for and at the cost of the regional entities; and (b) by the State Transmission Utility for and at the cost of the State entities. (2) Interface meters for the regional entities shall be open for inspection by any person authorized by the Central Transmission Utility and the Regional Load Despatch Centre. (3) Interface meters for the intra-State entities shall be open for inspection by any person authorized by the State Transmission Utility or the State Load Despatch Centre. Chapters - 5 Long-Term Access

12. Application for long-term access.

(1) The application for grant of long-term access shall contain details such as name of the entity or entities to whom electricity is proposed to be supplied or 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 Central Transmission Utility in the detailed procedure: Provided that in the case where augmentation of transmission system is required for granting open access, if the quantum of power has not been finned up in respect of the person to whom electricity is to be supplied or the source from which electricity is to be procured, the applicant shall indicate the quantum of power along with name of the region(s) in which this electricity is proposed to be interchanged using the inter-State Transmission system; Provided further that in case augmentation of transmission system is required, the applicant shall have to bear the transmission charges for the same as per these regulations, even if the source of supply or off-take is not identified; [Provided also that [except in cases involving Renewable Energy generating Station(s),] [Substituted vide Second Amendment Regulations, 2012 w.e.f. 22.03.2012.] the construction of such augmentation of the transmission system may be taken up by the CTU or the transmission licensee in phases corresponding to the capacity which is likely to be commissioned in a given time frame after ensuring that the generating

company has released the advance for the main plant packages i.e. Turbine island and steam generator island or the EPC contract in case of thermal generating station and major civil work packages or the EPC contract in case of hydro generating stations for the corresponding capacity of the phase or the phases to be commissioned, subject to a minimum of 10% of the sum of such contract values.][Provided that a generating company after firming up the beneficiaries through signing of long term Power Purchase Agreement(s) shall be required to notify the same to the nodal agency along with the copy of the PPA.] [Inserted vide Second Amendment Regulations, 2012 w.e.f. 22.03.2012.]Provided also that in cases where there is any material change in location of the applicant or change by more than 100 MW [or 40%, as the case may be, as per first proviso to Regulation 8(1)] [Added by Notification No. L-1/(3)/2009-CERC, dated 9.1.2019 (w.e.f. 7.7.2009).] in the quantum of power to be interchanged using the inter-State Transmission system or change in the region from which electricity is to be procured or to which supplied, a fresh application shall be made, which shall be considered in accordance with these regulations.(1A)[Notwithstanding anything to the contrary in the Procedure, Stage-II Connectivity shall not be a pre-requisite for applying for LTA.] [Added by Notification No. L-1/(3)/2009-CERC, dated 9.1.2019 (w.e.f. 7.7.2009).](2)The applicant shall submit any other information sought by the nodal agency including the basis for assessment of power to be interchanged using the interstate Transmission system and power to be transmitted to or from various entities or regions to enable the nodal agency to plan the inter-State transmission system in a holistic manner.(3)The application shall be accompanied by a bank guarantee of Rs 10,000/-(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.(4)The bank guarantee of Rs. 10,000 /-(ten thousand) per MW shall be kept valid and subsisting till the execution of the long-term access agreement, in the case when augmentation of transmission system is required, and till operationalization of long-term access when augmentation of transmission system is not required.(5)The bank guarantee may be encashed by the nodal agency, if the application is withdrawn by the applicant or the long-term access rights are relinquished prior to the operationalization of such rights when augmentation of transmission system is not required.(6)The aforesaid bank guarantee will stand discharged with the submission of bank guarantee required to be given by the applicant to the Central Transmission Utility during construction phase when augmentation of transmission system is required, in accordance with the provisions in the detailed procedure.

13. System Studies by the Nodal Agency.

(1)On receipt of the application, the nodal agency shall, in consultation and through coordination with other agencies involved in inter-State Transmission system to be used, including State Transmission Utility, if the State network is likely to be used, process the application and carry out the necessary system studies as expeditiously as possible so as to ensure that the decision to grant long-term access is arrived at within the timeframe specified in Regulation 7:[***] [Deleted 'First proviso' by Notification No. L-1/(3)/2009-CERC, dated 9.1.2019 (w.e.f. 7.7.2009).](2)Based on the system studies, the nodal agency shall specify the inter-State transmission system that would be required to give long-term access. In case augmentation to the existing inter-State Transmission system is required, the same will be intimated to the applicant.[***] [Deleted '(3)' by Notification No. L-1/(3)/2009-CERC, dated 9.1.2019 (w.e.f. 7.7.2009).]

14. Communication of Estimate of Transmission Charges, etc.

- While granting long-term access, the nodal agency shall communicate to the applicant, the date from which long-term 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.

15. Execution of Long-term Access Agreement.

- [(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.] [Substituted by Notification No. L-1/(3)/2009-CERC, dated 9.1.2019 (w.e.f. 7.7.2009).]

15A. [Intimation regarding termination of Power Purchase Agreement. [Added vide Second Amendment Regulations, 2012 w.e.f. 22.03.2012.]

(1)Where the entire or part of the Power Purchase Agreement(PPA) of the long term access customer is terminated in accordance with the provisions of the said agreement or through determination by a court or tribunal or commission of competent jurisdiction, it shall be incumbent on the long term access customer to give intimation about such termination of PPA to the nodal agency immediately but not later than two weeks from the date of such termination; Provided that in the event of mutual termination of PPA or non utilization of long term access by the long term access customer for a period exceeding one year from the scheduled date of commencement of long term access, the Central Transmission Utility or the transmission licensee, as the case may be, may ask such long term customer to surrender the long term access after being satisfied that because of such long term access, any other generation project, which has applied for long-term access, is likely to get stranded: Provided further that Central Transmission Utility or the transmission licensee, as the case may be, may approach the Commission for appropriate directions in this regard: Provided also that on termination of the Power Purchase Agreement or surrender of long term access in terms of the preceding two provisos, the long term access customer shall be liable to pay the transmission charges as required under Regulation 18 of these regulations.(2)The nodal agency on receipt of intimation in accordance with clause (1) of this regulation may consider the applications of other applicants, if any, for grant of medium term open access for the whole or part of the same transmission corridor, as the case may be.]

16. Information to RLDC and SLDC.

- Immediately after grant of long-term access, the nodal agency shall inform the Regional Load Despatch Centres and the State Load Despatch Centres concerned so that they can consider the same while processing requests for grant of short-term open access, received under Central Electricity Regulatory Commission (Open Access in inter-State transmission) Regulations, 2008 as amended from time to time.

16A. [[Added vide Second Amendment Regulations, 2012 w.e.f. 22.03.2012.]

On receiving the intimation regarding termination of Power Purchase Agreement, or surrender of long term access in accordance with the provisions of Regulation 15 A of these regulations and after considering the applications for long-term access and medium-term open access, if any, as mentioned therein, the nodal agency shall inform the Regional Load Despatch Centre and State Despatch Centre concerned to consider the remaining capacity for processing the request for short term open access in accordance with the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008, as amended from time to time, till long term access or medium term open access is granted to some other applicant.]

17. Renewal of Term for Long-term access.

- On the expiry of the period of long-term access, the long-term access shall stand extended on a written request provided by the long-term customer in this regard to the Central Transmission Utility mentioning the period for extension that is required: Provided that such a written request shall be submitted by the long-term customer to the Central Transmission Utility at least six months prior to the date of expiry of the long-term access; Provided further that in case no written request is received from the long-term customer within the timeline specified above, the said long-term access shall stand withdrawn.

18. Relinquishment of access rights.

(1) 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 12 years (i) Notice of one (1) year - If such a customer submits an application to the Central 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 Central 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 estimated transmission charges (net present value) 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 12 (twelve) 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 12 (twelve) years of access rights: Provided that such a customer shall submit an application to the Central 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 12 (twelve) years of access rights. (2) The discount rate that shall be 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 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. (3) 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. Chapter - 6 Medium-Term Open Access

19. Application for Medium-term Open Access.

(1) 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. (2) 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.

20. System Studies by the Nodal Agency.

- On receipt of the application, the nodal agency shall, in consultation and through coordination with other agencies involved in inter-State transmission system to be used, including State Transmission Utility, if the State network is likely to be used, process the application and carry out the necessary system studies as expeditiously as possible so as to ensure that the decision to grant or refuse medium-term open access is made within the timeframe specified in regulation 7: Provided that in case the nodal agency faces any difficulty in the process of consultation or coordination, it may approach the Commission for appropriate directions.

21. Grant of Medium-term Open Access.

(1) On being satisfied that the requirements specified under clause (2) of regulation 9 are met, the nodal agency shall grant medium-term open access for the period stated in the application: Provided that for reasons to be stated in writing, the nodal agency may grant medium-term open access for a period less than that sought for by the applicant; (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.] [Substituted by Notification No. L-1/(3)/2009-CERC, dated 9.1.2019 (w.e.f. 7.7.2009).] (2) Immediately after grant of medium-term open access, the nodal agency shall inform the Regional Load Despatch Centres and the State Load Despatch Centres concerned so that they can consider the same while processing requests for short-term open access received under Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008 as amended from time to time.

22. Execution of Dedicated Transmission Line.

- Medium-term customer may arrange for execution of the dedicated transmission line at its own risk and cost before the start date of the medium-term open access.

23. No overriding preference.

- On the expiry of period of the medium-term open access, the medium-term customer shall not be entitled to any overriding preference for renewal of the term.

24. Exit option for medium-term customers.

- A medium-term customer may relinquish rights, wholly or partly, by giving at least 30 days prior notice to the nodal agency: Provided that the medium-term customer relinquishing its rights shall pay applicable transmission charges for the period of relinquishment or 30 days whichever is lesser. Chapter - 7 Conditions of Long-Term Access and Medium-Term Open Access

25. Curtailment.

(1) When for the reason of transmission constraints or in the interest of grid security, it becomes necessary to curtail power flow on a transmission corridor; the transactions already scheduled may be curtailed by the Regional Load Despatch Centre. (2) Subject to provisions of the Grid Code and any other regulation specified by the Commission, the short-term customer shall be curtailed first followed by the medium-term customers, which shall be followed by the long-term customers and amongst the customers of a particular category, curtailment shall be carried out on pro rata basis.

26. Transmission Charges.

- The transmission charges for use of the inter-State Transmission system shall be recovered from the long-term customers and the medium-term customers in accordance with terms and conditions of tariff specified by the Commission from time to time: Provided that if the State network is also being used in the access as a part of interstate Transmission system for the conveyance of electricity across the territory of an intervening State as well as conveyance within the State which is incidental to such interstate Transmission of electricity, recovery of charges for such State network and terms and conditions thereof shall be in accordance with the regulation as may be specified by the Commission under Section 36 of the Act for intervening transmission facilities, if such charges and terms and conditions cannot be mutually agreed upon by the licensees; Provided that any disagreement on transmission charges for such State network as specified above, shall not be the sole reason for denying access and either party may approach the Commission for determination of transmission charges for such State network.

27. Detailed Procedure.

(1) Subject to the provisions of these regulations, the Central Transmission Utility shall submit the detailed procedure to the Commission for approval within 60 days of notification of these regulations in the Official Gazette: Provided that prior to submitting the detailed procedure to the Commission for approval, the Central Transmission Utility shall make the same available to the public and invite comments by putting the draft detailed procedure on its website and giving a period of one month to submit comments; Provided further that while submitting the detailed procedure to the Commission, the Central Transmission Utility shall submit a statement indicating as to which of the comments of stakeholders have not been accepted by it along with reasons thereof. (2) The detailed procedure submitted by the Central Transmission Utility shall, in particular, include: (a) The proforma for the connection agreement, referred to in clause (5) of Regulation 8 above. (b) The proforma for the long-term access agreement referred to in Regulation 15 above: Provided that the Transmission Service Agreement issued by the Central Government as part of standard bid documents for competitive bidding for transmission in accordance with Section 63 of the Act shall be a part of this Agreement along with necessary changes; Provided further that in case transmission system augmentation is undertaken through the process of competitive bidding in accordance with section 63 of the Act, the Transmission Service Agreement enclosed as part of bid documents shall be used as a part of the proforma agreement to be entered into between the applicant and the Central Transmission Utility for long-term access. [***] [Deleted '(c)' by Notification No. L-1/(3)/2009-CERC, dated 9.1.2019 (w.e.f. 7.7.2009).] (d) Aspects such as payment security mechanism and bank guarantee during the period of construction and operation: Provided that the bank guarantee during construction phase shall not exceed Rs. 5 lakh per MW of the total power to be transmitted by that applicant through inter-State Transmission system. (e) The proforma for the medium-term open access: agreement, referred to in the second proviso to clause (1) of Regulation 21 above. (f) Provisions for collection of the transmission charges for inter-State transmission system from the long-term customers or medium-term customers, as the case may be, by the transmission licensee or the Central Transmission Utility as and when so designated in accordance with the first proviso to clause (1) of Regulation 29 hereof and disbursement to the

Central Transmission Utility and/or the transmission licensees as the case may be.

28. Fees and charges for the Regional Load Despatch Centre and the State Load Despatch Centre.

(1)The fees and charges for the Regional Load Despatch Centre including charges for the Unified Load Despatch and Communication Scheme shall be payable by the long-term customer and medium-term customer as may be specified by the Commission.(2)The fees and charges for the State Load Despatch Centre shall be payable as applicable.

29. [[Deleted by Notification No. L-1/(3)/2009-CERC, dated 9.1.2019 (w.e.f. 7.7.2009).]

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29. Payment of transmission charges and Fees and Charges for the Regional Load Despatch Centre.- (1) The transmission charges in respect of the long-term customer and medium-term customer shall be payable directly to the transmission licensee:Provided that the Central Transmission Utility may be designated by the Commission as the agency for the purpose of collecting and disbursing the transmission charges for inter-State transmission system;Provided further that when the Central Transmission Utility is so designated as the agency as aforesaid, the transmission charges shall be paid to it;Provided also that the Central Transmission Utility shall enter into agreements with the long-term customers and medium-term customers for collection of transmission charges and with the transmission licensees whose inter-State transmission system is being used, for disbursement of transmission charges as received, pro rata to the transmission charges payable to the transmission licensees and to the Central Transmission Utility;Provided also that the Central Transmission Utility shall be entitled to reimbursement of reasonable costs incurred by it in collecting the transmission charges of the other transmission licensees, as approved by the Commission.(2) The fees and charges for Regional Load Despatch Centres (including the charges for Unified Load Despatch Scheme) and State Load Despatch Centres shall be payable by the long-term customer and medium-term customer directly to the Regional Load Despatch Centre or the State Load Despatch Centre concerned.

30. Unscheduled Inter-change (UI) Charges.

(1)Scheduling of all transactions pursuant to grant of long-term access and medium-term open access shall be carried out on day-ahead basis in accordance with the Grid Code.(2)Based on net metering on the periphery of each regional entity, composite accounts for Unscheduled Interchanges shall be issued for each regional entity on a weekly cycle:Provided that Unscheduled Inter-changes accounting for intra-State entities shall not be carried out at the regional level.(3)The State utility designated for the purpose of collection or disbursement of the Unscheduled Interchanges charges from or to the intra-State entities shall be responsible for timely payment of the State's composite dues to the regional Unscheduled Interchanges Pool Account Fund.(4)Any mismatch between the scheduled and the actual drawal at drawal points and scheduled and the

actual injection at injection points for the intra-State entities shall be determined by the concerned State Load Despatch Centre and covered in the intra-State Unscheduled Interchanges accounting scheme.(5)Unless specified otherwise by the State Commission concerned, the Unscheduled Interchanges rate for intra-State entity shall be 105% (for over-drawals or under generation) and 95% (for under-drawals or over generation) of the Unscheduled Interchanges rate at the periphery of regional entity.

31. Transmission Losses.

- The buyers of electricity shall bear apportioned losses in the transmission system as estimated by the Regional Power Committee.

32. Redressal Mechanism.

- All disputes arising out of or under these regulations shall be decided by the Commission on an application made in this behalf by the person aggrieved.Chapter - 8 Information System

33. Information System.

- The nodal agency shall post the following documents/information on its website in a separate web-page titled 'Long-term access and Medium-term open access information':(a)These regulations;(b)Detailed procedure;(c)List of applications, separately, for long-term access and medium-term open access received by the nodal agency along with necessary details;(d)Separate lists for long-term access and medium-term open access granted, indicating;(i)Name of customers;(ii)Period of the access granted (start date and end date);(iii)Point or points of injection;(iv)Point or points of drawal;(v)Transmission systems used (in terms of regions and States);(vi)Capacity (MW) for which access has been granted.(e)List of applications where approval for connectivity or long-term access or medium-term open access, as the case may be, has not been granted along with reasons thereof:Provided further that it shall be a constant endeavour of the nodal agency to take steps in accordance with the requirements herein to provide as much information suo moto to the public at regular intervals through various means of communications, including internet, so that information is disseminated widely and in such form and manner which is easily accessible to the public.Chapter - 9 Miscellaneous

34. Repeal and Savings.

(1)On commencement of these regulations, Regulation Nos. 4(1)(a), 4(ii), 5(i), 6(i), 7, 8(i), 9, 10, 11, 12, 16(i), 18, as far as it applies to long-term customers, and 31(i) of the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2004, shall stand repealed.(2)Notwithstanding anything contained in clause (1), long-term access granted in accordance with the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2004 shall continue to be valid till the expiry of the term of long-term access.