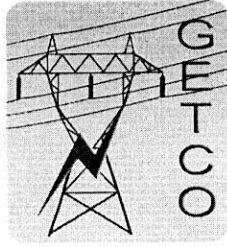


GUJARAT ENERGY TRANSMISSION CORPORATION LIMITED



CIN No. U40100GJ1999SGC036018

STATE LOAD DESPATCH CENTRE,

132Kv Gotri S/s Compound, Gotri Road, Vadodara-390021.

Telephone No.(0265) 2352103 Fax No.(0265) 2352019

Web: www.sldcguj.com, e-Mail : sldcabt@gmail.com

Guj-SLDC/OA/CERC/ 926

Date: 04/09/2018

To
The Secretary,
Central Electricity Regulatory Commission,
3rd and 4th Floor, Chanderlok Building,
36, Junpath.
New Delhi-110001

Sub: Comments of Gujarat SLDC, GETCO on Central Electricity Regulatory Commission
(Open Access in inter-State transmission) (Fifth amendment) Regulations, 2018.

Respected Sir,

With reference to the above, comments of Gujarat SLDC, GETCO on proposed Central Electricity Regulatory Commission (Open Access in inter-State transmission) (Fifth amendment) Regulations, 2018 are as under:

- (1) Regulation 3A (1) (v) needs amendment.

As per draft clause No 3A(1)(v) *'Interface with the scheduling software applications of the RLDCs/SLDCs for processing Short term open access bilateral transactions.'*

Comments: The above clause may be redrafted as 'Interface with the scheduling as well as **Short term open access application software** of the RLDCs/SLDCs for processing Short term open access bilateral/collective applications/ transactions with proper web-service.

Further, Respective IT person of SLDCs to be involved while designing NOAR software.

At present, the INTER State Bilateral as well collective transactions are facilitated by **Gujarat SLDC though existing EASS software** and is smoothly functioning. We are of the opinion that Gujarat SLDC may be allowed to do their transactions and SLDC Gujarat will transfer relevant data to NOAR at the end of the day for record and repository purpose.

- (2) Regulation 5B needs amendment.

As per draft clause No 5B 'The short term open access applicant shall initially apply for registration in the NOAR with the information/document(s) as specified under the detailed procedure.

Provided that

- i. The application for registration shall be accompanied by Rs. 2000/- to be completed within 7 working days from the date of receipt of application for registration.
- ii. The registration shall be valid for a period of 3 years and may be renewed thereafter with the payment of renewal charges of Rs. 1000/-."

Comments: The above clause may be redrafted as

"The short term open access applicant shall initially apply for registration in the NOAR with the information/document(s) as specified under the detailed procedure.

Provided that

- i. The application for registration shall be accompanied by **Rs. 10000/-** to be completed within 7 working days from the date of receipt of application for registration. **50% of the above fees shall be transferred to concerned SLDC/RLDC as the case may be.**
- ii. The registration shall be valid for a period of **2 years** and may be renewed thereafter with the payment of renewal charges of Rs. **5000/-**. **50% of the above fees will be transferred to concerned SLDC/RLDC as the case may be."**

Further, the information/document(s) which are to be taken for registration by NOAR (for buyer and seller both) shall be as per requirement of SLDC/RLDC. SLDCs must be consulted before finalization of detail procedure by NLDC(POSOCO).

- (3) Amendment to the Regulation 7 (application fees) of principle regulation.

As per draft clause 'Proviso to Regulation 7 shall be deleted.'

Comments: It means application fees of Rs 5000 will remain as it is.

Proviso to the principal regulation is to facilitate contingency transaction which may be continued. Hence, no need to delete the proviso to the Regulation 7 of principal regulation.

- (4) Para 9.1 of draft regulation –

As per draft 9.1 Regulation 8 of Principial regulations shall be substituted as follows...

8(1) An online application, through the NOAR, shall be made by the short term open access applicant to the concerned SLDC/RLDC for issuance of a 'standing clearance' for availing short term open access in interstate transmission for a pre-specified quantum and time period in accordance with the detailed procedures.

Provided that while making application a declaration in the format prescribed in the detailed procedure shall be submitted along with the application declaring that there is no other contract for sale or purchase,

as the case may be, of the same power for which standing clearance has been applied for.

Suggestion: one more proviso to be added as under in above 8(1) in line with IEGC Fifth amendment Regulation 5.2 (h) of Part 5 of the Principal Regulations.

Moreover, for any generating unit or generating station, the total quantum of Long Term PPA, MTOA and declaration given as per above proviso should not exceed the ex-bus quantum corresponding to 100 % of installed capacity of that unit or the generating station as the case may be.

8(2) While processing the application for standing clearance the SLDC/RLDC as the case may be, shall verify the following, namely-

- (i) Existence of infrastructure necessary for time-block wise energy metering and accounting in accordance with the provisions of the Grid code in force;*
- (ii) Availability of surplus transmission capacity in the intra-State/interState network, as the case may be;*
- (iii) Submission of declaration according to the proviso to clause (1) of this regulation.*

Suggestion: Gujarat SLDC is of the opinion that as per prevailing regulation for grant of MTOA, Nodal agency is CTU/STU as the case may be. Since as per there is no need of change in existing Network/augmentation of network to grant MTOA, the SLDCs/RLDCs must be Nodal agency for granting MTOA too.

8(3)” the concerned SLDC/RLDC shall issue a standing clearance up to a maximum period of 3 months to the open access customer.”

Provided that

- i. The concerned SLDC/RLDC shall issue the standing clearance within 3 working days of receipt of such application.*
- ii. The standing clearance may be issued by the concerned SLDC/RLDC for a maximum period of three months at a time after which a fresh application for issuance of standing clearance shall have to be made by the open access customer.*
- iii. When short-term open access has been applied for the first time by any person, the buyer or the seller, the concerned SLDC/RLDC shall issue to the applicant standing clearance, within seven (7) working days of receipt of the application.*

Comments: The above provision may be redrafted as

*.....” the concerned SLDC/RLDC shall issue a standing clearance up to a maximum period of **1 calendar month** to the open access Customer.”*

Provided that

- i. The concerned SLDC/RLDC shall issue the standing clearance **within five(5) working days of receipt of such application due to insertion of NOAR in the process of STOA application.**
- ii. The standing clearance may be issued by the concerned SLDC/RLDC for a maximum period of **1(one) calendar month at a time after which a fresh application for issuance of standing clearance shall have to be made by the open access customer.**
- iii. When short-term open access has been applied for the first time by any person, the buyer or the seller, the concerned SLDC/RLDC shall issue to the applicant standing clearance, within **ten (10) working days of receipt of the application due to insertion of NOAR in the process of STOA application.**

8(4) ...In case the concerned SLDC/RLDC finds that the application for standing clearance is incomplete or defective in any respect, it shall communicate the deficiency or defect to the applicant through NOAR within two (2) working days of receipt of application: Provided that in cases where the concerned SLDC/RLDC has communicated any deficiency or defect in the application, the date of receipt of application shall be the date on which the application has been received duly completed after removing the deficiency or rectifying the defects, as the case may be.

Comments: The above provision may be redrafted as:

8(4) In case the concerned SLDC/RLDC finds that the application for standing clearance is incomplete or defective in any respect, it shall communicate the deficiency or defect to the applicant through NOAR within **three(3)** working days of receipt of application: Provided that in cases where the concerned SLDC/RLDC has communicated any deficiency or defect in the application, the date of receipt of application shall be the date on which the application has been received duly completed after removing the deficiency or rectifying the defects, as the case may be.

8(5) In case the application has been found to be in order but the concerned SLDC/RLDC refuses to give the standing clearance on the grounds of nonexistence of necessary infrastructure or unavailability of surplus transmission capacity in intra-state/inter-state network as the case may be, or non-submission of the declaration in accordance with proviso to clause (1) of this regulation then such refusal shall be communicated to the applicant through NOAR within the period of three (3) working days or seven (7) working days as the case may be, from the date of receipt of the application along with reasons for such refusal.

Provided that where the concerned SLDC/RLDC has not communicated any deficiency or defect in the application within two (2) days from the receipt of the application or refusal or standing clearance, as the case may be, within the specified period of three (3) working days or seven (7) working days, as applicable,

from the date of receipt of the application, the NOAR shall issue a reminder message to the concerned SLDC/RLDC to respond to the application for refusal or issuance of standing clearance, as the case may be, within the next two working days.

Provided further that if the concerned SLDC/RLDC fails to respond to the reminder message sent through NOAR, then the standing clearance shall be deemed to have been granted..

Comments: The above provision may be redrafted as:

8(5) In case the application has been found to be in order but the concerned SLDC/RLDC refuses to give the standing clearance on the grounds of nonexistence of necessary infrastructure or unavailability of surplus transmission capacity in intra-state/inter-state network as the case may be, or non-submission of the declaration in accordance with proviso to clause (1) of this regulation then such refusal shall be communicated to the applicant through NOAR within the period of **five (5)** working days or **ten (10)** working days as the case may be, from the date of receipt of the application along with reasons for such refusal.

Provided that where the concerned SLDC/RLDC has not communicated any deficiency or defect in the application within **three (3)** days from the receipt of the application or refusal or standing clearance, as the case may be, within the specified period of **five (5)** working days or **ten (10)** working days, as applicable, from the date of receipt of the application, the NOAR shall issue a reminder message to the concerned SLDC/RLDC to respond to the application for refusal or issuance of standing clearance, as the case may be, within the next **three working** days.

Provided further that if the concerned SLDC/RLDC fails to respond to the reminder message sent through NOAR, then the standing clearance shall be deemed to have been granted.

8(6) *The open access customer to whom the standing clearance has been issued or deemed to have been issued, may schedule transactions under any of the categories of short term bilateral or collective transactions in OTC market and/or Power Exchange(s) market provided that the total trade under all types of short-term inter-state transactions does not exceed the quantum of standing clearance issued by the concerned SLDC/RLDC.*

Comments: The above provision may be redrafted as:

8(6) The open access customer to whom the standing clearance has been issued or deemed to have been issued, may schedule transactions under any of the categories of short term **interstate** bilateral or collective transactions in OTC market and/or Power Exchange(s) market provided that the total trade under all types of short-term inter-state transactions does not exceed the quantum of standing clearance issued by the concerned SLDC/RLDC.

8(7) Violation of the quantum of the standing clearance may lead to withdrawal of the standing clearance by the concerned SLDC/RLDC under intimation to the NOAR.

Provided that persistent default (more than 3 such events) shall lead to debarring of the open access customer from NOAR for a minimum period of one month.

Provided further that NOAR shall also display a list of such defaulters on the website.

Comments: Inherent design of NOAR software must prevent such violation. Hence NOAR software must be such that no such violation take place in INTER STATE transactions.

However the above provision may be redrafted as under.

8(7) Violation of the quantum of the standing clearance may lead to withdrawal of the standing clearance by the concerned SLDC/RLDC under intimation to the NOAR.

Provided that **first time default** shall lead to debarring of the open access customer from NOAR for a **minimum period of one month.... For second time default ...it must be barred from STOA for six month and for third time default debarring period must be one year.**

Provided further that NOAR shall also display a list of such defaulters on the website

8(8) *The concerned SLDC/RLDC may revise the quantum (MW) or period of the standing clearance issued in respect of any open access customer in case of transmission constraint or in the interest of secure grid operation or if the allocated transmission corridor is observed to be under-utilized giving reasons for the same."*

Comments: above provision may be redrafted as under :

8 (8) The concerned SLDC/RLDC may revise the quantum (MW) or period of the standing clearance issued in respect of any open access customer in case of transmission constraint or in the interest of secure grid operation or if the allocated transmission corridor is observed to be under-utilized giving reasons for the same."

Provided that in such underutilization of approved quantum observed , next month MW standing clearance shall be restricted up to the maximum utilization of approved MW in previous month/last approval month. Also, in case of defaulting of availing approved quantum in advance category, shall be liable to pay 300% of transmission charge for the defaulting period of quantum.

5) **New proviso 8 (9) to be added in draft amendment of regulation 8 of principle regulation** as under as the application processing fees of SLDC for issuing standing clearance is not clarified in the draft regulation 8 amendment. (Which is there in principal regulation as clause no 8(5)). SLDC Gujarat strongly of the opinion that there must be application fees for SLDCs processing application through NOAR. Hence in any circumstance the existing provision of application fees for SLDCs must not be removed.

8 (9) "Unless specified otherwise by the State Commission concerned, the State Load Despatch Centre may charge a fee of Rupee five thousand (Rs 5000/-) for processing applications for concurrence or "no objection" or prior Standing clearance."

6) New regulation 18A to be added is as under:

"18A. All charges payable under these regulations shall be paid online through the payment gateway made available in the NOAR."

Comments: above provision may be redrafted as under:

18 A: All charges payable under these regulations shall be paid online through the payment gateway made available in the NOAR. It should not lead any additional liability on account of GST or any other levy/tax of any Govt. on application SLDC/RLDC but the same shall be borne by the applicant."

7) New Proviso to Regulation 25A to be added as under draft-

"Provided that if the default in payment exceeds 90 days from the due date of payment of the charges as mentioned above, the NLDC or RLDC, as the case may be, may deny short term open access to the defaulting entity without approaching the Commission for specific directions in this regard."

Comments: above provision may be redrafted as under:

"Provided that if the **default beyond due date of payment**, the NLDC or RLDC or SLDC, as the case may be, **may deny future transaction and/or terminate on going transaction, if any**, without approaching the Commission for specific directions in this regard."

In view of the above, it is requested to incorporate above points while finalizing the above regulation.

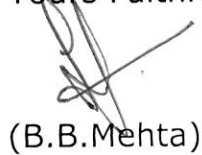
Further, it is to state that since last two years, all STOA applications (INTER and INTRA) are being processed through EASS software developed by SLDC Gujarat, it is requested to provide proper web based linkage between NOAR software and EASS software of Gujarat SLDC so that all applications which are to be routed through NOAR can be processed as per our GERC OA regulation in force according to which our EASS software for processing the STOA applications is designed.

Further, it is our humble request to Hon'ble CERC that before finalisation of this draft regulation, region wise workshop must be organised so that everything can be understood very clearly by all the SLDCs and RLDCs.

Also before finalising Draft Detail Procedure to this NOAR by NLDC(POSOCO), all SLDCs and RLDCs must be consulted without fail for seeking their suggestion/comments. Also if possible there must be one day workshop on this draft detailed procedure before sending it to Hon'ble CERC for final approval.

Thanking you,

Yours Faithfully,



(B.B.Mehta)

Chief Engineer (LD)

SLDC, Vadodara.