



To,
The Secretary,
Central Electricity Regulatory Commission
3rd & 4th Floor, Chanderlok Building, 36, Janpath,
New Delhi – 110001

Date: - 15/02/2022

Subject: Comments and Suggestions on Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2021.

Respected Sir,

We are thankful to the Hon'ble Central Electricity Regulatory Commission for providing an opportunity for us to share our suggestion and comments on the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2021. Please find our comments in Annexure A.

We request the Hon'ble Central Electricity Regulatory Commission to kindly consider our submissions, as may be considered appropriate by the Commission.

Yours Sincerely,
For Continuum Green Energy (India) Pvt. Ltd.

Authorized Signatory

Annexure A

Comments on Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2021.

Sr.No.	Clause as per the CERC (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2021	Proposed amendments sought by Continuum Green Energy (India) Private Limited in CERC (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2021	Remark for Proposed Amendment
1	<p>5. Application for Grant of Connectivity</p> <p>5.3. An Applicant, which is a captive generating plant, shall apply for grant of Connectivity for a quantum of its proposed maximum injection to ISTS.</p>	<p>We request the Hon’ble Commission to consider the following revised clause,</p> <p>5. Application for Grant of Connectivity</p> <p>5.3. An Applicant, which is a captive generating plant, shall apply for grant of Connectivity for a quantum of its proposed maximum injection to ISTS or <i>for a quantum equal to the installed capacity of the generating station.</i></p>	<p>In this regard we would like to submit that the different treatment has been given to Captive Generating Plants as compared to other REGS, as the connectivity to Captive Generators will be granted on the basis a quantum of its proposed maximum injection to ISTS however for REGS it shall be based on the quantum equal to the installed capacity of the generating station.</p> <p>The Hon’ble Commission cannot discriminate between captive Generating Plant and REGS as far as capacity for connectivity is concerned.</p> <p>Hence, we request you consider amendment proposed by us.</p>
2	<p>7. In-principle Grant of Connectivity by the Nodal Agency</p> <p>7.2. In case the Nodal Agency, after the interconnection study undertaken in accordance with Regulation 6.1 of these regulations, determines that ATS is required, the Nodal Agency shall intimate in-principle grant of Connectivity to the Applicant within 60 days from the last day of the month in which the application had been received:</p>	<p>7. In-principal Grant of Connectivity by the Nodal Agency</p> <p>7.2. In case the Nodal Agency, after the interconnection study undertaken in accordance with Regulation 6.1 of these regulations, determines that ATS is required, the Nodal Agency shall intimate in-principle grant of Connectivity to the Applicant within <i>30 days</i> from the last day of the month in which the application had been received:</p>	<p>In this regards we would like to submit that the Hon’ble Commission need to reduce time from within 60 days to within 30 days for intimation of in-principle grant of Connectivity to the Applicant after the interconnection study undertaken in accordance with Regulation 6.1 of these regulations.</p> <p>We would like to bring kind attention of this Hon'ble Commission that every connectivity application will have a start date which is based on the project requirement.</p>

	<p>Provided that intimation for in-principle grant of Connectivity shall include the ATS and terminal bay(s), estimated cost of such ATS and terminal bay(s), minimum design features for dedicated transmission lines to be constructed by the Applicant and the likely date of start of Connectivity:</p> <p>Provided further that the firm date of start of Connectivity shall be confirmed at the time of final grant of Connectivity.</p>	<p>Provided that intimation for in-principle grant of Connectivity shall include the ATS and terminal bay(s), estimated cost of such ATS and terminal bay(s), minimum design features for dedicated transmission lines to be constructed by the Applicant and the likely date of start of Connectivity <i>provided that which will be within 30 days from the date sought by Applicant :</i></p> <p>Provided further that the firm date of start of Connectivity shall be confirmed at the time of final grant of Connectivity <i>provided that which will be within 30 days from the date sought by Applicant.</i></p>	<p>If the start date which is to be intimated by Nodal Agency will be different from the start date as sought by the Applicant, then it will have a major impact on the project schedule and on CoD of the Project.</p> <p>So therefore, we request the Hon'ble Commission that start date of connectivity shall be within 30 days from the date sought by Applicant which is based on the project requirement.</p> <p>Further, we would like to submit that standard/normative cost has to be provided upfront for the different terminal bays according to the voltage level and ATS along with the timelines for completion of the said Terminal Bay and ATS in this Proposed Regulation. The same will provide an idea to the connectivity grantee regarding the cost which is to be incurred for the terminal bay and ATS and approximate time required for the said Terminal Bays and ATS in advance.</p>
3	<p>8. Connectivity Bank Guarantee</p> <p>8.3. For cases covered under Regulation 7.2 of these regulations, the following procedure shall be followed:</p> <p>(a) The entity that has been intimated in-principle grant of Connectivity, shall submit its consent for execution of ATS and terminal bay(s), as intimated under Regulation 7.2 of these regulations, along with Conn-BG1, within one month of intimation of in-principle grant of Connectivity, failing which the application for Connectivity shall be closed and application fee shall be forfeited.</p> <p>(b) The Nodal Agency, within 6 (six) months of furnishing of Conn-BG1 as per clause (a) of this Regulation, shall intimate to such entity,</p> <p>(i) amount of Conn-BG2 to be furnished towards ATS and terminal bay(s), which shall not exceed the estimated cost intimated under Regulation 7.2 of these regulations,</p>	<p>8. Connectivity Bank Guarantee</p> <p>8.3. For cases covered under Regulation 7.2 of these regulations, the following procedure shall be followed:</p> <p>(a) The entity that has been intimated in-principle grant of Connectivity, shall submit its consent for execution of ATS and terminal bay(s), as intimated under Regulation 7.2 of these regulations, along with Conn-BG1, within one month of intimation of in-principle grant of Connectivity, failing which the application for Connectivity shall be closed and application fee shall be forfeited.</p> <p>(b) The Nodal Agency, within 3 (three) months of furnishing of Conn-BG1 as per clause (a) of this Regulation, shall intimate to such entity,</p> <p>(i) amount of Conn-BG2 to be furnished towards ATS and terminal bay(s), which shall not exceed the estimated cost intimated under Regulation 7.2 of these regulations,</p>	<p>In this regards we would like to submit that the Nodal Agency shall within 3 Months of furnishing of Conn-BG1 as per clause (a) of this Regulation, shall intimate to such entity,</p> <p>(i) amount of Conn-BG2 to be furnished towards ATS and terminal bay(s), which shall not exceed the estimated cost intimated under Regulation 7.2 of these regulations,</p> <p>(ii) the timeline for completion of ATS and terminal bay(s), and</p> <p>(iii) firm date of start of Connectivity:</p> <p>As 6 months proposed in this Draft GNA Regulation is a very long period which can impact the schedule of Project of the Applicant thereby defeating the whole purpose of applying for connectivity.</p> <p>Further we also request the Hon'ble Commission to provide the rationale for requirement of furnishing Conn-BG 3 by the existing as well as new entity.</p>

	<p>(ii) the timeline for completion of ATS and terminal bay(s), and</p> <p>(iii) firm date of start of Connectivity:</p> <p>Provided that if such ATS and terminal bay(s) are planned for more than one entity, Conn-BG2 shall be furnished in proportion to the quantum of Connectivity applied for by such entities:</p> <p>(c) In the event the Nodal Agency, does not intimate the details as per clause (b) of this Regulation within 6 (six) months, the Nodal Agency shall furnish the reasons for such non-intimation to the entity with a copy to the Central Commission within one month of expiry of such period of six months with a probable date by which the details of Conn- BG2 and such timeline shall be furnished:.....</p>	<p>(ii) the timeline for completion of ATS and terminal bay(s), and</p> <p>(iii) firm date of start of Connectivity:</p> <p>Provided that if such ATS and terminal bay(s) are planned for more than one entity, Conn-BG2 shall be furnished in proportion to the quantum of Connectivity applied for by such entities:</p> <p>(c) In the event the Nodal Agency, does not intimate the details as per clause (b) of this Regulation within 3 (three) months, the Nodal Agency shall furnish the reasons for such non-intimation to the entity with a copy to the Central Commission within one month of expiry of such period of six months with a probable date by which the details of Conn- BG2 and such timeline shall be furnished:.....</p>	
4	<p>12. Dedicated Transmission Lines and Bay(s)</p> <p>12.4. The terminal bay(s) at the ISTS sub-station shall be under the scope of the transmission licensee owning the ISTS sub-station:</p> <p>Provided that the Connectivity grantee may, if it so chooses, construct and maintain the terminal bay(s) at its own cost by entering into an agreement with the transmission licensee owning the ISTS sub-station, subject to prior approval of the Nodal Agency:</p> <p>Provided further that in case the Connectivity grantee chooses to construct the terminal bay(s) at its own cost, no cost towards such terminal bay(s) shall be claimed by the Connectivity grantee in the event of revocation of its Connectivity:</p> <p>Provided also that in such case of revocation of Connectivity, the Connectivity grantee shall dismantle the terminal bay within 3 months failing which the CTU may utilise the bay for some other Connectivity applicant</p>	<p>12. Dedicated Transmission Lines and Bay(s)</p> <p>12.4. The terminal bay(s) at the ISTS sub-station shall be under the scope of the transmission licensee owning the ISTS sub-station:</p> <p>Provided that the Connectivity grantee may, if it so chooses, construct and maintain the terminal bay(s) at its own cost by entering into an agreement with the transmission licensee owning the ISTS sub-station, subject to prior approval of the Nodal Agency:</p> <p>Provided further that in case the Connectivity grantee chooses to construct the terminal bay(s) at its own cost, no cost towards such terminal bay(s) shall be claimed by the Connectivity grantee in the event of revocation of its Connectivity:</p> <p><i>Provided also that in such case of revocation of Connectivity, CTU shall utilise the bay erected by Connectivity Grantee for some other Connectivity applicant and after allocation of the bay the said bay, CTU shall pay to Connectivity Grantee the actual cost incurred by him for erection commissioning and operational of the Terminal Bays</i></p>	<p>Further we would also like to submit regarding last para of Regulation 12.4 that in case Connectivity Grantee revokes the connectivity then CTU shall utilise the bay for some other Connectivity applicant and after allocation of the bay which is erected by the Connectivity Grantee, CTU shall pay to Connectivity Grantee the actual cost incurred by him for erection commissioning and operational of the Terminal Bays instead of asking him to dismantle the terminal bay within 3 months as this will be indirectly wastage of National resources.</p>

5	<p>15. Transfer of Connectivity</p> <p>15.1. A Connectivity grantee shall not transfer, assign or pledge its Connectivity and the associated rights and obligations, either in full or in parts, to any person except as provided under Regulations 15.2 and 15.3 of these regulations.</p> <p>Provided that Connectivity granted to a parent company may be utilised by its subsidiary and Connectivity granted to a subsidiary may be utilised by its parent company.</p> <p>15.2. Where the Connectivity grantee is an REGS, it may split its Connectivity in parts, after COD of such part, subject to the minimum capacity in accordance with Regulation 4.1 of these regulations and submit the installed capacity of each part to the Nodal Agency.</p> <p>In such an event, the Connectivity shall be deemed to have been split in proportion to installed capacity of each such part:</p> <p>Provided that all liabilities and obligations in accordance with these regulations shall continue to remain with the Connectivity grantee for each part.</p> <p>15.3. Any person which acquires 51% or more shareholding of the company or its subsidiary or affiliate company owning REGS or part thereof in terms of Regulation 15.2, may after COD of such part, apply to the Nodal Agency for transfer of Connectivity.</p> <p>The Nodal Agency shall issue revised grant of Connectivity on submission of applicable Conn-BG2 and Conn-BG3 by such person.</p> <p>The original grantee may substitute its Conn-BG2 and Conn-BG3 with revised Conn-BG2 and Conn-BG3, to be intimated by CTU. On issue of revised grant of Connectivity, such person shall enter into a fresh Connectivity Agreement and be responsible for compliance with all applicable regulations.</p>		<p>We welcome this Regulation 15.1 introduced by the Hon’ble Commission wherein Connectivity granted to a parent company may be utilised by its subsidiary and Connectivity granted to a subsidiary may be utilised by its parent company as in this case there is absolutely no trading of the Connectivity or LTA by the Connectivity Grantee.</p>
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	<p>Provided that all liabilities and obligations in accordance with these regulations, for the Connectivity not transferred, shall continue to remain with the original Connectivity grantee.</p>		
6	<p>17. Eligibility for GNA</p> <p>17.1. The following entities shall be eligible as Applicants to apply for grant of GNA or for enhancement of the quantum of GNA:</p> <p>(i) State Transmission Utility on behalf of distribution licensees connected to intra-State transmission system and other intra-State entities;</p> <p>(ii) A buying entity connected to intra-State transmission system;</p> <p>(iii) A distribution licensee or a Bulk consumer, seeking to connect to ISTS, directly, with a load of 50 MW and above;</p> <p>(iv) Trading licensees engaged in cross border trade of electricity in terms of the Cross Border Regulations;</p> <p>(v) Transmission licensee connected to ISTS for drawal of auxiliary power.</p> <p>17.2. Entities not covered under Regulation 17.1, which as on the date of coming into force of these regulations, are connected to the ISTS or for whom Connectivity granted under Connectivity regulations has become effective, shall be eligible for applying for grant of GNA to the ISTS for the quantum equal to the quantum of Connectivity, which shall be processed as per Regulation 37.6 of these regulations.</p> <p>26. Eligibility for Temporary GNA</p> <p>26.1. The following entities shall be eligible as Applicants to apply for T-GNA to ISTS:</p> <p>(a) As buyers,</p>	<p>We request you to add the following clause after the Clause 17 which as below,</p> <p>17. Eligibility for GNA</p> <p>17.1. The following entities shall be eligible as Applicants to apply for grant of GNA or for enhancement of the quantum of GNA:</p> <p>(i) State Transmission Utility on behalf of distribution licensees connected to intra-State transmission system and other intra-State entities;</p> <p>(ii) A buying entity connected to intra-State transmission system;</p> <p>(iii) A distribution licensee or a Bulk consumer, seeking to connect to ISTS, directly, with a load of 50 MW and above;</p> <p>(iv) Trading licensees engaged in cross border trade of electricity in terms of the Cross Border Regulations;</p> <p>(v) Transmission licensee connected to ISTS for drawal of auxiliary power.</p> <p><i>“ Provided that the entity which will procure the Renewable Power shall be exempt from the Transmission Chagres for such quantum of Power.”</i></p> <p>26. Eligibility for Temporary GNA</p> <p>26.1. The following entities shall be eligible as Applicants to apply for T-GNA to ISTS:</p> <p>(a) As buyers,</p>	<p>We would like to submit that as per the Regulation 17 the Wind/Solar Generators and ESS are not eligible for GNA however they are eligible for T-GNA under Regulation 26 hence in this regarding we request you to clarify that weather Wind/ Solar Generator who import the power from the Grid for Auxiliary Power and ESS for charging the battery will have to apply for T-GNA for importing such power and if it is so then weather they will have to bear the Transmission charge also for such import of Power.</p> <p>As per this Regulation it has been stated that Generators will have to only apply for connectivity and are not required to apply for GNA which mean all Generators will be treated equal under this Regulations in this regard we would like to submit that the Ministry of Power under para 6.4 (6) of the revised Tariff Policy 2016 has issued notification on 23.11.2021 regarding waiver of interstate transmission charges for Solar, Wind, Hydro PSP and BESS Projects Commissioned up to 30.06.2025.</p> <p>The same has statute effect as this has been issued under Tariff Policy and the aforesaid policy prescriptions have a statutory force in view of section 3 of the Electricity Act, 2003.</p> <p>Further the Hon’ble Supreme Court in the matter of Energy Watchdog v. CERC, Civil Appeal Nos. 5399-5400 of 2016, disposed on 11.04.2017, in the context of Tariff Policy (which is also a policy under Section 3 of the Act), inter alia, held that such policy is statutory in nature. It is also necessary to appreciate that the Electricity Act, 2003 was enacted by the Parliament under Schedule VII List 3 Item 38 and as such, the Central Government has the ability to make policies in a subject matter over which a Central Law has been enacted.</p>

	<p>(i) Distribution licensee directly connected to ISTS; (ii) Bulk consumer directly connected to ISTS; (iii) A buying entity connected to intra-State transmission system; (iv) Generating station including Renewable Energy Generating Station for meeting its auxiliary consumption or start-up power or for meeting its supply obligations in terms of clause (3) of Regulation 6 of the Power Market Regulations; (v) Captive generating plant; (vi) Standalone ESS.</p> <p>(b) Trading licensee (i) on behalf of buyer(s) covered under clause (a) of this Regulation, and (ii) engaged in cross border trade of electricity in terms of the Cross Border Regulations for injection into or drawal from the Indian grid.</p> <p>(c) Power exchange for collective transactions or bilateral transactions on behalf of (i) buyer(s) covered under clause (a) of this Regulation, and</p> <p>(ii) trading licensee(s) engaged in cross border trade of electricity in terms of the Cross Border Regulations for injection into or drawal from the Indian grid.</p> <p>26.2. A GNA grantee shall be eligible to apply for T-GNA over and above the GNA granted to it, as per eligibility under clause (a) of Regulation 26.1 this Regulation.</p> <p>26.3. The T-GNA applications shall be applied and processed through single window electronic platform, namely, National Open Access Registry (NOAR).</p>	<p>(i) Distribution licensee directly connected to ISTS; (ii) Bulk consumer directly connected to ISTS; (iii) A buying entity connected to intra-State transmission system; (iv) Generating station including Renewable Energy Generating Station for meeting its auxiliary consumption or start-up power or for meeting its supply obligations in terms of clause (3) of Regulation 6 of the Power Market Regulations; (v) Captive generating plant; (vi) Standalone ESS.</p> <p>(b) Trading licensee (i) on behalf of buyer(s) covered under clause (a) of this Regulation, and (ii) engaged in cross border trade of electricity in terms of the Cross Border Regulations for injection into or drawal from the Indian grid.</p> <p>(c) Power exchange for collective transactions or bilateral transactions on behalf of (i) buyer(s) covered under clause (a) of this Regulation, and</p> <p>(ii) trading licensee(s) engaged in cross border trade of electricity in terms of the Cross Border Regulations for injection into or drawal from the Indian grid.</p> <p>26.2. A GNA grantee shall be eligible to apply for T-GNA over and above the GNA granted to it, as per eligibility under clause (a) of Regulation 26.1 this Regulation.</p> <p>26.3. The T-GNA applications shall be applied and processed through single window electronic platform, namely, National Open Access Registry (NOAR).</p> <p><i>“ Provided that the entity which will procure the Renewable Power shall be exempt from the Transmission Chagres for such quantum of Power.”</i></p>	<p>Therefore, the national policies both relating to climate change and governing electricity sector will have primacy and as such, the sector Regulator has an obligation to implement the same</p> <p>Further Government of India intends to ensure renewable installed capacity from 40% of India’s total energy mix. For meeting its international commitments in 2015, the present Central Government set a target for achieving renewable energy generation 175 GWs by the year 2022, this goal has been subsequently revised to 227 GWs of renewable energy capacity by 2022.</p> <p>The treaty obligations form a part of domestic law unless in conflict with enacted legislations and statutes. In the present case, India’s treaty obligations are in conformity with the Central Government’s vision under the Electricity Activity 2003 and various policies enacted thereunder. It is submitted that India being a signatory to the Paris Agreement is under an obligation to comply with its treaty obligations.</p> <p>The legislative scheme contained in the Electricity Act, 2003, particularly section 61(h) and 86(1)(e), it is quite clear that the mandate to the Regulator is to promote generation of electricity from renewable sources of energy. Such promotional measures are envisaged in matters of tariff as well as on matters of connectivity with the grid and sale to any person.</p> <p>The Act surely does not provide an expiry date on the promotion of renewable energy. In this context, please refer to paragraphs 5.2.20, 5.12, and 5.1.22 of the National Electricity Policy, 2005.</p> <p>Reference may also be made to the Tariff Policy, 2016 particularly paragraph 4.0 and 6.4, which deals with renewable energy.</p> <p>However as per this Regulation, Renewable Energy Generator and Thermal Generator are treated equally which will made the aforesaid MoP notification redundant retrospectively, Further</p>
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			<p>this will also act as hindrance for achieving the aforesaid target set up by the Government of India.</p> <p>Hence we request you to add the following clause after the Clause 17 and 26 which as below,</p> <p><i>“ Provider that the entity which will procure the Renewable Power shall be exempt from the Transmission Chagres for such quantum of Power.”</i></p> <p>Further regarding Regulation 26.1 we request the Hon’ble Commission to clarify the following,</p> <ul style="list-style-type: none">a) Why Generating station connected at STU and ISTS is excluded as eligible applicant.b) How the Generating station including Renewable energy station connected at STU who wish to sell power through Exchange or through Inter state bilateral PPA will apply for Prior Standing clearance & T-GNA and schedule power for bilateral transaction.c) Further please clarify whether authority to schedule power will be with buyer only and Generator will only declare the available capacity on day ahead basis?
7	<p>27. National Open Access Registry (NOAR)</p> <p>27.1. NOAR shall:</p> <p>(i) Provide the audit trail of T-GNA applications;</p> <p>(ii) Provide an interface with the software of the RLDCs and SLDCs for processing T-GNA applications;</p> <p>(iii) Provide an interface with the Power Exchange(s) for validation of standing clearance and processing of term-ahead and day-ahead transactions;.....</p>		<p>We request the Hon'ble Commission to elaborate role of NOAR dashboard from the Generators perspective. Further we also request you to clarify how generators will get standing clearance for Power exchange and for bilateral transaction as per the Regulation 31 for this Proposed Regulation.</p>

		
8	<p>28. Application for grant of T-GNA</p> <p>28.1. T-GNA may be applied for any period from 1 (one) time block and up to 11 (eleven) months.....</p> <p>28.4. Application for grant of T-GNA may be made under any of the following categories:</p> <p>A. For bilateral transactions</p> <p>(a) Advance application for grant of T-GNA: Application made on the (D) day for grant of T-GNA starting on or after the (D+3) day, which may fall either in the same month as the (D) day or in the subsequent month.</p> <p>(b) Exigency application for grant of T-GNA: Application made on (D) day for grant of T-GNA with scheduling for (S) day, which may be (D) day or (D+1) day or (D+2) day, with a minimum start time of 7 (seven) time blocks unless specified otherwise in the Grid Code:</p> <p>Provided that the Exigency application for grant of T-GNA shall be made for any time block(s) between 0000 hrs to 2400 hrs of the (S) day.</p> <p>B. For collective transactions</p> <p>Application shall be made by a power exchange as stipulated in the Detailed Procedure for T-GNA issued in accordance with Regulation.....</p> <p>.....</p> <p>28.5. Application for grant of T-GNA for a bilateral transaction shall contain the following:</p> <p>(a) Advance application category:</p> <p>(i) Quantum of T-GNA in MW;</p>		<p>In this regard, we would like to submit that the Hon’ble Commission shall clarify the following,</p> <p>1) Weather scheduling for bilateral transaction in advance basis and first come first serve basis is merged in one procedure?</p> <p>2) Further weather Both advance basis and first come first serve basis application can be done 3 days prior to schedule supply?</p> <p>We request the Hon'ble commission to elaborate on how revision of schedule will be done for generator in case of emergency shutdown or plant tripping.</p> <p>Further, we request the Hon’ble Commission to consider the following,</p> <p>a) Mentioning of Point of injection during application process shall be made compulsory because buyer may enter into multiple bilateral PPAs for same quantum and may schedule power from any generator as per its convenience this will result in loss of revenue to generator.</p> <p>Regarding Regulation 28.5 (b) (iv), we would like to submit that Name of Supplier shall also be required to match the schedule of Generator and Buyer</p>

	(ii) Start time of T-GNA in terms of time-block and date; (iii) End time of T-GNA in terms of time-block and date; (iv) Point of injection, if available, or in the absence of the point of injection, the target injection region;..... (b) Exigency application category: (i) Contracted quantum of power (MW) to be scheduled at point of injection; (ii) Start time of T-GNA in terms of time-block and date; (iii) End time of T-GNA in terms of time-block and date; (iv) Point of injection; (v) Point of drawal; (vi) Standing Clearance of SLDCs under whose jurisdiction the point of drawal and point of injection are located, in case the buyer or the supplier is an intra-State entity, as applicable		
9	31. Standing Clearance for grant of T-GNA 31.1. The application for Standing Clearance from SLDC, for grant of T-GNA, shall be made online for a specified quantum and specified period.		We request the Hon'ble Commission to clarify whether standing clearance from SLDC shall be taken through NOAR portal.
10	32. Revision of T-GNA 32.1. T-GNA granted under Exigency application category or under Advance application category for a period not exceeding one month cannot be revised. 32.2. T-GNA granted under Advance application category for a period of more than one month may be reduced for the balance period with a prior notice of one (1) month by the T-GNA grantee: Provided that applicable T-GNA charges for the quantum of T-GNA granted shall be payable for the notice period of one (1) month.	32. Revision of T-GNA 32.1. T-GNA granted under Exigency application category or under Advance application category for a period not exceeding <i>one month can be revised.</i> <i>Provided that Revision in schedule can be effective 2 days from the date of request in revision in schedule</i> 32.2. T-GNA granted under Advance application category for a period of more than one month may be reduced for the balance period with a prior notice <i>of seven (7) days</i> by the T-GNA grantee: Provided that applicable T-GNA charges for the quantum of T-GNA granted shall be payable for the notice period <i>of seven (7) days.</i>	In this regard, we would like to submit that in a scenario if there emergency shutdown in supplier's end then there will be heavy DSM penalty to supplier if schedule is not revised. Hence, We request the Hon'ble Commission to allow revision of advance application for a period less than one month also. Further we request the Hon'ble Commission to consider the following, <i>Revision in schedule can be effective 2 days from the date of request in revision in schedule, Further this clause is in line with existing regulation.</i> We request to the Hon'ble commission to reduce the notice period of 1 month, since buyer has to bear transmission charges which will result in increased landed cost for the buyer.

11	<p>33. Scheduling request for power under T-GNA</p> <p>33.1. Advance application category:</p> <p>(a) Scheduling request by T-GNA grantees under Advance application category shall be made on day ahead basis before the opening of bidding window for collective transactions under day ahead market, as per provisions of the Grid Code.</p> <p>(a) In case the seller is an intra-State entity having point of injection under state control area, the scheduling request shall be accompanied by Standing Clearance in terms of sub clause (vii) of Clause (a) of Regulation 28.5 of these regulations.</p>		<p>Seller is not considered as eligible applicant as per Clause 26.1 of this draft, Hence the Hon'ble Commission is requested to consider Seller as an eligible applicant.</p>
12	<p>18. Deemed Grant of GNA</p> <p>18.1. On the date, these regulations come into force,</p> <p>(a) GNA for a</p> <p>(i) State including intra-State entity(ies) and</p> <p>(ii) other drawee entities, shall be the average of „A“ for the financial years 2018-19, 2019-20 and 2020-21:</p> <p>Where,</p> <p>$A = \{0.5 \times \text{maximum ISTS drawal in a time block during the year}\} + \{0.5 \times [\text{average of (maximum ISTS drawal in a time block in a day) during the year}]\}$</p> <p>(b) GNA computed as per clause (a) of this Regulation is given at Annexure-I to these regulations.</p> <p>(c) GNA for a State including intra-State entity(ies) as per clause (b) of this Regulation shall be deemed to have been granted to STU of that State on behalf of such intra-State entities and shall remain valid until relinquished in accordance with these regulations.</p> <p>(d) GNA deemed to have been granted to STU as per clause (c) of this Regulation, shall be published by the Nodal Agency within</p>	<p>We request you to consider the following revised clause after Regulation 18,</p> <p>18. Deemed Grant of GNA</p> <p>18.1. On the date, these regulations come into force,</p> <p>(a) GNA for a</p> <p>(i) State including intra-State entity(ies) and</p> <p>(ii) other drawee entities, shall be the average of „A“ for the financial years 2018-19, 2019-20 and 2020-21:</p> <p>Where,</p> <p>$A = \{0.5 \times \text{maximum ISTS drawal in a time block during the year}\} + \{0.5 \times [\text{average of (maximum ISTS drawal in a time block in a day) during the year}]\}$</p> <p>(b) GNA computed as per clause (a) of this Regulation is given at Annexure-I to these regulations.</p> <p>(c) GNA for a State including intra-State entity(ies) as per clause (b) of this Regulation shall be deemed to have been granted to STU of that State on behalf of such intra-State entities and shall remain valid until relinquished in accordance with these regulations.</p>	<p>The connectivity/LTA/MTOA granted to RE Generators under the Revised detailed procedure for connectivity to RE Projects shall be treated as deemed grant GNA under this proposed Regulations irrespective weather Connectivity/LTA/MTOA are effective or not.</p> <p>Further RE Generators shall not be forced for applying again under Regulation 37 and asked for submission of Conn-BG-3, if their connectivity/ LTA/MTOA are not effective on the date of notification of this Regulation as they have duly complied with the existing Regulation while applying for connectivity/LTA/MTOA and submitted the BG as per the existing Regulation hence either they have to be regulated under existing Regulation or consider as deemed Grantee under this Regulation once it is notified.</p> <p>Further the Regulation 37 will be in contravention to the clause 4 (c) of the revised Tariff Policy as Generators will be subjected to comply this proposed Regulation, though they have complied the existing CERC Connectivity Regulations.</p> <p>The one of the objective of the Tariff Policy as per the aforesaid clause is to Promote transparency, consistency and predictability in regulatory approaches across jurisdictions and minimise perceptions of regulatory risks; the same is reproduced below,</p>

<p>30 days of notification of these regulations, as (i) GNA within the region and (ii) GNA from outside the region, in proportion to contracts, within the region or outside the region, under Long Term Access and Medium Term Open Access obtained in terms of the Connectivity Regulations.</p> <p>(e) GNA deemed to have been granted to STU under clause(d) of this Regulation, shall be segregated for each intra-State entity, including distribution licensee, by the respective SLDC, and intimated to STU,</p> <p>Nodal Agency and NLDC within 1 month of publication of details by the Nodal Agency under clause (d) of this Regulation. Provided that in case an SLDC fails to provide such segregation, the pro rata GNA shall be allocated to each intra-State entity in the ratio of their Long Term Access and Medium Term Open Access, as included in the first bill raised in the previous month under the Sharing Regulations.</p> <p>(f) Entity(ies) covered under Regulation 4.1 of these regulations where Long Term Access granted to such entity or to its identified buyer, under the Connectivity Regulations has become effective, shall be deemed to have been granted GNA equal to the quantum of such Long term Access, under these regulations.</p> <p>(g) The Central generating stations which are connected to the grid and have not been granted Long term Access under the Connectivity Regulations but whose power is allocated by the Ministry of Power, shall be deemed to have been granted GNA equal to the installed capacity of such generating station(s).</p> <p>(h) Long Term Access granted to a Trading licensee, other than for cross border trade of electricity in terms of the Cross Border Regulations, shall be part of the GNA deemed to have been granted to the concerned grid connected entity(ies) under clauses (a) to (f) of this Regulation:</p> <p>Provided that settlement of transmission charges inter-se between such trading licensee and the concerned grid connected entity(ies)</p>	<p>(d) GNA deemed to have been granted to STU as per clause (c) of this Regulation, shall be published by the Nodal Agency within 30 days of notification of these regulations, as (i) GNA within the region and (ii) GNA from outside the region, in proportion to contracts, within the region or outside the region, under Long Term Access and Medium Term Open Access obtained in terms of the Connectivity Regulations.</p> <p>(e) GNA deemed to have been granted to STU under clause(d) of this Regulation, shall be segregated for each intra-State entity, including distribution licensee, by the respective SLDC, and intimated to STU,</p> <p>Nodal Agency and NLDC within 1 month of publication of details by the Nodal Agency under clause (d) of this Regulation. Provided that in case an SLDC fails to provide such segregation, the pro rata GNA shall be allocated to each intra-State entity in the ratio of their Long Term Access and Medium Term Open Access, as included in the first bill raised in the previous month under the Sharing Regulations.</p> <p>(f) Entity(ies) covered under Regulation 4.1 of these regulations where Long Term Access granted to such entity or to its identified buyer, under the Connectivity Regulations has become effective, shall be deemed to have been granted GNA equal to the quantum of such Long term Access, under these regulations.</p> <p>(g) The Central generating stations which are connected to the grid and have not been granted Long term Access under the Connectivity Regulations but whose power is allocated by the Ministry of Power, shall be deemed to have been granted GNA equal to the installed capacity of such generating station(s).</p> <p>(h) Long Term Access granted to a Trading licensee, other than for cross border trade of electricity in terms of the Cross Border Regulations, shall be part of the GNA deemed to have been granted to the concerned grid connected entity(ies) under clauses (a) to (f) of this Regulation:</p>	<p><i>“4.0 OBJECTIVES OF THE POLICY The objectives of this tariff policy are to:</i></p> <p><i>(a) Ensure availability of electricity to consumers at reasonable and competitive rates;.....</i></p> <p><i>(c) Promote transparency, consistency and predictability in regulatory approaches across jurisdictions and minimise perceptions of regulatory risks;.....”</i></p> <p>Hence, we request you to delete the Regulation 37 and add new clause after Regulation 18 which is as below,</p> <p><i>“The connectivity/LTA/MTOA granted to RE Generators under the Revised detailed procedure for connectivity to RE Projects shall be treated as deemed grant GNA irrespective weather Connectivity/LTA/MTOA are effective or not.”</i></p>
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<p>shall be made in terms of the existing agreement between them or as may be mutually agreed.</p> <p>Long term Access granted to a Trading licensee engaged in cross border trade of electricity in terms of the Cross Border Regulations shall be the GNA deemed to have been granted to such trading license under these regulations for the period of such Long term Access.</p> <p>18.2. Details of entities deemed to have been granted GNA under these regulations shall be published by the Nodal Agency on its website within 1 (one) month of coming into force of these regulations.</p> <p>37. Arrangement for Transition</p> <p>37.1. If an application for grant of Connectivity or grant of Long term Access or grant of Medium Term Open Access has been made in accordance with the Connectivity Regulations and the same is yet to be granted as on the date of coming into effect of these Regulations, the applicant shall have the option of, either</p> <p>(a) to withdraw the application, in which case the application fee and bank guarantee, if any, shall be returned,</p> <p>or</p> <p>(b) to convert the application as an application made under these regulations by complying with the requirements under these regulations, which shall be processed in accordance with these regulations:</p> <p>Provided that such option shall be exercised by the applicant within one month of coming into effect of these Regulations, failing which the application shall be closed and the application fee and bank guarantee,if any, shall be returned.</p> <p>37.2. If Connectivity has been granted but Long Term Access has not been granted in accordance with the Connectivity Regulations and Connectivity is yet to become effective as on the date of</p>	<p>Provided that settlement of transmission charges inter-se between such trading licensee and the concerned grid connected entity(ies) shall be made in terms of the existing agreement between them or as may be mutually agreed.</p> <p>Long term Access granted to a Trading licensee engaged in cross border trade of electricity in terms of the Cross Border Regulations shall be the GNA deemed to have been granted to such trading license under these regulations for the period of such Long term Access.</p> <p>18.2. Details of entities deemed to have been granted GNA under these regulations shall be published by the Nodal Agency on its website within 1 (one) month of coming into force of these regulations.</p> <p><i>18.3. “The connectivity/LTA/MTOA granted to RE Generators under the Revised detailed procedure for connectivity to RE Projects shall be treated as deemed grant GNA irrespective weather Connectivity/LTA/MTOA are effective or not.”</i></p> <p>We request you to delete the Regulation 37.</p>	
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<p>coming into effect of these regulations, the same shall be treated as under:.....</p> <p>37.3. If Connectivity and Long Term Access have been granted in accordance with the Connectivity Regulations but either both Connectivity and Long term Access are yet to become effective or Connectivity is effective and Long term access is yet to become effective as on the date of coming into effect of these regulations, the same shall be treated as under:</p> <p>(1) The quantum of Connectivity granted under the Connectivity Regulations, for which Long term Access has not been granted shall be treated in terms of clause (1) of Regulation 37.6 or Regulation 37.2 depending on whether such Connectivity quantum is effective or not effective.</p> <p>(2) Where Long term Access has been granted on the existing system, the treatment of such Long term Access and corresponding quantum of Connectivity shall be as under:</p> <p>(a) The entity shall have the option of, either (i) to convert the Long term Access granted under the Connectivity Regulations as GNA under these Regulations, or (ii) to surrender such Long term Access.</p> <p>(b) Option under clause (a) of this Regulation shall be exercised by the entity within one month of coming into effect of these Regulations, failing which such Long term Access granted under the Connectivity Regulations shall be considered as surrendered.</p> <p>(c) In case the Long term Access is surrendered in terms of option (ii) of clause (a) of this Regulation or clause (b) of this Regulation, the Application Bank Guarantee, if any, submitted by the entity under the Connectivity Regulations shall be returned.</p> <p>(d) In case, the entity exercises the option (i) of clause (a) of this Regulation to convert the Long term Access granted under the Connectivity Regulations as deemed GNA under these Regulations, it shall furnish Conn-BG1 for Rs. 50 lakhs and</p>		
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	<p>Conn-BG3 @ Rs. 2 lakh/MW corresponding to such Long term Access quantum within two (2) months of exercising such option. In case any Conn- BG2 has been furnished under the Connectivity Regulations, the same shall be treated as Conn-BG2 under these regulations.</p> <p>Subsequent treatment of Conn-BG1, Conn-BG2 and Conn-BG3 shall be in terms of Regulations 16.1 to 16.4 of these regulations. Bank Guarantee, if any, furnished by such entity under the Connectivity Regulations shall be adjusted.</p> <p>(e) On furnishing of Conn-BG1 and Conn-BG3 under clause (d) of this Regulation, the Long term access shall be treated as GNA deemed to have been granted under these regulations and the existing agreements between the entity and the Nodal Agency shall be aligned with provisions of these regulations.</p> <p>(f) In case the entity fails to furnish Conn-BG1 and Conn-BG3 in terms of clause (d) of this Regulation, the Long term access granted.....</p> <p>37.4. If Medium Term Open Access has been granted in accordance with the Connectivity Regulations, but is yet to become effective as on the date of coming into effect of these regulations, the same shall be treated as under:</p> <p>(1) Medium Term Open Access granted to an entity covered under Regulation 4.1 of these regulations shall be treated as under:.....</p>		
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13	<p>19. Application for Grant of additional GNA by STU</p> <p>19.1. Within 3 months of coming into force of these regulations, STU may, on behalf of intra-State entities including distribution licensees, apply for additional GNA over and above the GNA deemed to have been granted under clauses (a) to (e) of Regulation 18.1 of these regulations, with entity-wise segregation indicating GNA within the region and from outside the region.</p>		<p>In this regard we would like submit that in a situation where the buyer is another state connected to STU Network of the State and Seller is connected to STU Network of other state.</p> <p>In such case we believe that the drawee State will apply for additional GNA. Since GNA is on the basis of drawl and not injection.</p> <p>However, in a aforesaid scenario if drawee STU refuses to apply for such GNA then we request the Hon'ble Commission to provide advise the recourse in case of refusal by STU to apply for GNA on behalf of such REGS connected to intra state network regarded as Intra State entities herein</p>
14	<p>25. Relinquishment of GNA</p> <p>25.1. For an entity covered under Regulation 17.1, GNA once granted can be relinquished, in full or in part, on payment of relinquishment charges in advance as per following:</p> <p>(a) For an entity covered under clause (i) of Regulation 17.1 of these regulations, STU may relinquish GNA on behalf of identified intra-State entity. The relinquishment charges shall be equal to 60 times the transmission charges paid by such intra-State entity for the last billing month under the Sharing Regulations, corresponding to the relinquished quantum.....</p>		<p>The Hon'ble Commission requested to clarify that in case of deemed GNA grantee relinquishes the GNA then whether the GNA relinquishment charges will be calculated as per this proposed regulation or existing CERC (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations and the Hon'ble Commission Order related to this.</p> <p>Further the relinquishment charges as per existing CERC (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations is far higher than what is being proposed in GNA. This is not only unjust for creating an arbitrage for many Generators to wait for GNA to be promulgated and then relinquish.</p>
15	<p>38. Curtailment</p> <p>38.1. When for the reason of transmission constraints or in the interest of grid security, as per the provisions in the Grid Code, it becomes inevitable to curtail power flow on a transmission</p>	<p>We request you to add the below mentioned clause, after Regulation 38 of the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2021</p>	<p>1. In this regard, we would like to draw your attention to the order I.A. No.1 of 2017 in M.P.No.16 of 2016 dated 25th March 2019 of the Hon'ble TNERC in the matter of National Solar Energy Federation of India v TANGEDCO,</p>

	<p>corridor, the transactions already scheduled may be curtailed by the Regional Load Despatch Centre as per the following provisions:</p> <ul style="list-style-type: none">(a) Transactions under T-GNA shall be curtailed first followed by transactions under GNA.(b) Within transactions under T-GNA, bilateral transactions shall be curtailed first followed by collective transactions under day ahead market followed by collective transactions under real time market.(c) Within bilateral transactions under T-GNA, curtailment shall be on pro rata basis based on T-GNA.(d) Within transactions under GNA, curtailment shall be on pro rata basis based on GNA.	<p><i>“ Further in Case of RE Generators which is must run, curtailment of RE Generators shall be resorted to only after exhausting all other possible means of achieving and ensuring grid stability and reliable power supply and which is strictly as per the Indian Electricity Grid Code 2010 and State Grid Codes, further any curtailment of Renewable Energy shall not be considered as meant for grid security if the backing down instruction were given under following conditions:</i></p> <p><i>s</i></p> <p><i>a) System Frequency is in the band of 49.90Hz-50.05Hz</i></p> <p><i>b) Voltages level is between: 380kV to 420kV for 400kV systems & 198kV to 245kV for 220kV systems</i></p> <p><i>c) No network over loading issues or transmission constraints</i></p> <p><i>d) Margins are available for backing down from conventional energy sources</i></p> <p><i>e) State is overdrawing from the grid or State is drawing from grid on short-term basis from Power Exchange or other sources simultaneously backing down power from intrastate conventional or non-conventional sources.</i></p> <p><i>(ii) The curtailment of Renewable Energy for the reasons other than grid security shall be compensated at PPA tariff.</i></p>	<p>TANTRANSCO, TANSLDC wherein the Hon’ble TNERC has stated that:</p> <p><i>“10.14 However, it is to be emphasized that the SLDC cannot curtail the <u>renewable power</u> at their convenience. Backing down of the “Must Run Status” power shall be resorted to only after exhausting all other possible means of achieving and ensuring grid stability and reliable power supply.”</i></p> <p>Vide this order Hon’ble TNERC has categorically said that backdown instruction shall be in strict compliance with Grid Code provision. While addressing this issue Hon’ble Commission has instructed TANSLDC to honour the “MUST RUN STATUS” and backdown the generation only on rare occasions in the event of grid safety.</p> <p><i>“10.15. Under these circumstances, it is necessary to direct the SLDC to ensure evacuation of the solar power generations connected to the State grid to the fullest possible extent truly recognizing the Must Run Status assigned to it in full spirit. In doing so, in view of the problems enumerated supra, <u>the SLDC may resort to backing down in rare occasions in order to ensure the grid safety as stipulated in the Grid Code and to ensure reliable 24 x 7 power supply to the State. It is necessary to log each event of backing down whenever such instructions are issued with the reason(s) which lead(s) to that unavoidable decision. A quarterly return on the curtailments with the reasons shall be sent to the Commission. Any whimsical backing down instructions would attract penal action under section 142 of the Electricity Act on the officials concerned. (emphasis added)</u>”</i></p> <p>2. Also note that Hon’ble Ministry of New and Renewable Energy (MNRE) has issued a letter to all chief Secretaries of the state governments on Vide Letter No. 336/19/2017-Wind/ dated 01.08.2019</p>
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			<p><u>2. It has come to the notice of this Ministry that in violation of above Regulations some State Load Dispatch Centres are resorting to large scale backing down of wind and solar energy.</u></p> <p><u>3. It is reiterated that the ‘must run’ status of wind and solar projects be honoured in letter and spirit and curtailment of such power be done only for reasons of grid safety and security and that too after communicating instructions detailing reasons for curtailment to the generators in writing.</u></p> <p><u>5. If any SLDC curtails wind or solar power for any reason other than grid safety or security or as prescribed in respective Grid Code/ Regulation, they shall be liable for making good the loss incurred by the wind or solar power generator(s) towards deemed generation. The SLDCs may be advised accordingly.</u></p> <p>3. It may be noted that ‘Must Run’ status has been accorded to Renewable Energy (solar and wind power) as per Indian Electricity Grid Code 2010 and various State Grid Codes/ Regulations under the Electricity Act 2003. According to existing instructions, solar and wind power can be curtailed only for reasons of grid safety and security and that too after communicating reasons of curtailment in writing to generators.</p> <p>4. Further as per the Hon’ble APTEL Order in APPEAL NO. 197 of 2019 & IA NO. 1706 of 2019 dated 02.08.2021 has held as follows,</p> <p><i>“135. We have noticed that the analysis made by POSOCO is based on the grid parameters, margins available for backing down of conventional energy sources and the status of drawal by the State from the central grid. These parameters are apt for deciding whether the backing down is for the purpose of grid security or on commercial reasons. We also make it clear that the replacement of solar power by purchases of cheaper power from</i></p>
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			<p><i>short term power markets shall also be treated as unauthorized activity.</i></p> <p><i>Accordingly, the following directions are issued to all the State Commissions, Discoms and SLDCs with regards to curtailment of power generated from Renewable Energy sources. APPEAL NO.197 OF 2019 Page 93 of 94 (i) For Future, any curtailment of Renewable Energy shall not be considered as meant for grid security if the backing down instruction were given under following conditions: a) System Frequency is in the band of 49.90Hz-50.05Hz b) Voltages level is between: 380kV to 420kV for 400kV systems & 198kV to 245kV for 220kV systems c) No network over loading issues or transmission constraints d) Margins are available for backing down from conventional energy sources e) State is overdrawing from the grid or State is drawing from grid on short-term basis from Power Exchange or other sources simultaneously backing down power from intrastate conventional or non-conventional sources. (ii) As a deterrent, the curtailment of Renewable Energy for the reasons other than grid security shall be compensated at PPA tariff in future. The compensation shall be based on the methodology adopted in the POSOCO report. POSOCO is directed to keep the report on its website. (iii) The State Load Dispatch Centre (SLDC) shall submit a monthly report to the State Commission with detailed reasons for any backing down instructions issued to solar power plants. (iv) The above guiding factors stipulated by us would apply till such time the Forum of Regulators or the Central Government formulates guidelines in relation to curtailment of renewable energy.”</i></p> <p>Hence in the view of the above we request you to consider amendment proposed by us.</p>
	<p>39. Detailed Procedure</p> <p>39.1. Nodal Agency, i.e., CTU shall issue the Detailed Procedure for Connectivity and GNA in line with these regulations, including the following formats after stakeholders’ consultation within a period of 3 months of notification of these regulations and submit the same for information of the Central Commission:</p>		<p>In this regard, we would like to submit that this Proposed GNA Regulation shall be implemented and effective after three months from the formulation of Detailed Procedure for Connectivity and GNA/T-GNA under Regulation 39.1 and 39.2 by the respective Nodal Agency and approved the same by the Hon’ble Commission.</p>

	<p>39.2. For T-GNA, NLDC shall issue the Detailed Procedure for T-GNA including the following formats after stakeholders’ consultation within a period of 3 months of notification of these regulations and submit the same for information of the Central Commission:</p>		<p>The trail period of three month has been sought as this Proposed GNA Regulation is new concept hence the three-month time period shall be required to correction of error while implementing this Regulation and aforesaid detailed Procedures.</p>
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