

LEVY OF FEES FOR VARIOUS SERVICES RENDERED BY THE COMMISSION

Regulation No. 1 of 2005

Under the provisions of the Electricity Act, 2003, the Commission has to discharge various functions including the issue of licences, adjudication of disputes between generating companies and Licensees, etc. Section 86(1) (g) of the Electricity Act, 2003, empowers the Commission to levy fees for the purposes of the Act. The Commission accordingly formulated a draft Regulation for the fees to be paid along with Applications / Petitions submitted to the Commission, the annual fees to be paid by the Licensees, the fees payable for other miscellaneous activities like inspection of Commission records, etc. The draft Regulation was published in A.P. Extraordinary Gazette dated 15-02-2005 seeking comments / suggestions from interested persons. It was also communicated to the Licensees, Members of the State Advisory Committee and certain organisations, regularly participating in the proceedings on Tariff filings of Licensees. The Commission considered the comments / suggestions received and made suitable modifications in certain provisions in the draft Regulation, wherever considered necessary.

In exercise of powers conferred on it under the above provisions read with Section 181 of the Act, and all powers enabling it in that behalf, the Andhra Pradesh Electricity Regulatory Commission hereby makes the following Regulation.

1 Short title and commencement

- (1) This Regulation may be called the Andhra Pradesh Electricity Regulatory Commission (Fees) Regulation, 2005.
- (2) This Regulation shall extend to the whole of the State of Andhra Pradesh.
- (3) This Regulation shall come into force on the date of its publication in the Andhra Pradesh Gazette, except sub clause (2) of clause 4 which shall come into force from 1st April, 2006.

2 Definitions – In this Regulation, unless the context otherwise requires:

- (1) " Act" means the Electricity Act, 2003
- (2) " Licensee" means a person who has been granted a licence under section 14 of the Act;
- (3) " Exemptee" means a person who has been granted exemption under section 13 of the Act;

- (4) "generating company" means any company or body corporate or association or body of individuals, whether incorporated or not, or artificial juridical person, which owns or operates or maintains a generating station;
- (5) "trading" means purchase of electricity for resale thereof and the expression " trade" shall be construed accordingly;
- (6) Words and expressions used and not defined in this Regulation shall have the same meaning as assigned to them in the Act and in the absence of any definition in the Act the meaning as commonly understood in the electricity supply industry.

3 Applicability

- (1) Every application / petition to the Commission except the application made for grant of licence under section 14 of the Act shall be accompanied by the appropriate fee as specified in this Regulation.
- (2) Every application for grant of licence under section 14 of the Act shall be filed along with such fee as may be prescribed by the Government of Andhra Pradesh (GoAP) from time to time under section 15 (1) of the Act.
- (3) Every Licensee and Exemptee shall pay the Annual fee as specified in this Regulation.
- (4) Miscellaneous activities like supply of certified copies of documents / orders of the Commission, inspection of the records of Commission (if permitted) shall be subject to payment, in advance, of the fees specified in this Regulation.
- (5) The Commission may, if it considers fit, waive, by order, full or part of the fees payable under this Regulation.

Note:- All fees mentioned in this Regulation are non-refundable fees, unless specifically mentioned otherwise.

4 (1) Fees to be paid with applications for Licence or for Exemption:

	Type of application	
(a)	Application for grant of a transmission /distribution / trading licence	As fixed by the State Govt. from time to time (presently Rs.30,000)
(b)	Application for Exemption from licence	Same as at (a) above

(2) Annual Licence Fee to be paid by Licensees:

Type of Licence	

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(i) Transmission Licence	(i) Rs.1000 per MW of the allocated capacity.
(ii) Distribution Licence	(ii) 0.067 paise per each unit of energy (kwh) to be handled during the year.
(iii) Exemption from licence	(iii) 0.067 paise per each unit of energy (kwh) to be handled during the year.
(iv) Trading Licence	(iv) As specified by APERC in the Regulation on intra-State trading in electricity.

- Notes: 1. 'Allocated capacity' in respect of a transmission licensee means the capacity considered in the Tariff Order of the Commission for the relevant year for computation of transmission charges.
2. The annual fees are payable within 15 days of the commencement of a financial year. Any delay shall attract a penalty of 1.5% per month or part thereof.

(3) Fees to be paid for determination of tariff:

(a)	Application for determination of tariff of Generating Companies	Rs. 10,000 per MW with a maximum of Rs.25 lakhs
(b)	Licensees / exemptees	Nil. Covered in the annual licence / exemption fees payable as per sub-clause (2) above.

(4) Fees to be paid along with petitions for adjudication of disputes:

(a)	For adjudication of a dispute u/s 33(4) and 86(1) (f) of the Act	Rs.25,000
(b)	For adjudication on adequacy of Transmission capacity u/s 9 of the Act	Rs. 25,000

(5) Fees to be paid with petitions seeking review of Commission's orders

a.	For review of orders under section 64 of the	Rs. 10,000
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b.	Act / section 26 of the A.P. Electricity Reform Act	Rs. 5,000
c.	For review of orders u/s 9, 33(4) and 86(1)(f)	Rs. 1,000
	For others	

Note: - At the discretion of the Commission the above-mentioned fees will be refundable, in part or in full, if the review petition is allowed in part or in full, as the case may be.

(6) For any other petitions not covered in the above sub-clauses:

(i) Individuals	Rs. 100
(ii) Others	Rs. 500

(7) Fees for applications, petitions (including review petitions), etc. to be paid by registered consumer organizations, NGOs and individuals seeking to protect/represent common interests of consumers/public at large:

Original petition Rs. 50/-
Review petition Rs. 100/-

(Refundable in case of a review petition, in accordance with the Note below sub-clause (5) supra)

Note:- 1. On questions, if any, whether or not an organization/individual is seeking to protect/represent the common interest of consumers/public at large, the decision of the Commission shall be final.

2. No fees is payable for the objections / suggestions made in response to the public notices issued by the Licensees or the Commission on Tariff proposals of Licensees or the Regulations to be framed by the Commission, etc.

(8) Fee for miscellaneous services

(a)	Inspection of records of the Commission (on permission)	
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	(i) for bulk records	Rs.700
	(ii) for others	Rs.100
(b)	Supply of certified copies of documents/ orders of the Commission	Re. 1 per page

5. The fees payable to the Commission under this Regulation shall be paid by means of Demand Draft or Banker's cheque, drawn in favour of the Secretary, Andhra Pradesh Electricity Regulatory Commission, payable at aHyderabad branch of any scheduled bank. The amounts up to Rs.100 can also be paid in cash at the office of the Commission.

6. **Power to remove difficulties**

If any difficulty arises in giving effect to any of the provisions of this Regulation, the Commission may, by general or special order, pass appropriate orders, not being inconsistent with the provisions of the Act, which appear it to be necessary or expedient for the purpose of removing the difficulty.

7. **Power to amend**

The fee structure specified herein can be reviewed, cancelled, modified or enhanced by the Commission at its discretion, at any appropriate time by a general or special order notified in the Official Gazette of Andhra Pradesh.

(BY ORDER OF THE COMMISSION)