



TRANSMISSION CORPORATION OF ANDHRA PRADESH LIMITED
VIDYUT SOUDHA:: VIJAYAWADA

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From
The Chief General Manager,
Commercial & Legal
APTransco, Vidyut Soudha,
Vijayawada – 520 004.

To
The Secretary,
APERC,
11-4-660, 4th Floor, Singareni Bhavan,
Khairatabad, Hyderabad – 500004.

Lr.No.CGM/Comml & Legal/SE-Comml/DEE-OA/F: GEOA/D.No.435/2023, Dt:31.10.2023.

Sir,

Sub: APTRANSCO– Open Access – APTRANSCO and APSLDC Comments/suggestions on the draft APERC (Green Energy Open Access, charges, and Banking) Regulations, 2023 (GEOA,2023) - Regarding.

Ref: Draft APERC (Green Energy Open Access, charges, and Banking) Regulations, 2023 (GEOA,2023)

Adverting to the Hon'ble APERC Public Notice dtd:30.09.2023 on Draft Green Energy Open Access, charges and Banking Regulations, 2023 wherein the Commission invited comments/suggestions/objections on the same from interested persons/ stakeholders before 31.10.2023 for finalizing the above draft regulations. The following comments/suggestions of APTRANSCO and APSLDC are herewith submitted against each specific clause in the draft regulation.

a. 1. Short title, commencement, and extent of application:

(v)This Regulation supersedes all the earlier regulations/ Stipulations/ Guidelines/ Directions issued by the Commission in the matter of Open Access to Green Energy.

APTRANSCO & APSLDC Comment/Clarification: Clarification is requested about the applicability of existing Open Access Regulation No.2 of 2005 as many points like “Open Access Agreement”, “capital investment towards network augmentation if necessitated”, “Flexibility to change entry and exit points”, “payment terms and conditions”, “underutilization/surrendering of capacity” etc., were not discussed in the draft GEOA, 2023 regulation.

b. 2. Definitions:

“Entity” means any consumer who has contracted demand or sanctioned load of hundred kW or more either through a single connection or through multiple connections aggregating to a hundred kW or more located in the same electricity division of a distribution licensee, except for captive consumers:

Provided that in the case of captive consumers, there shall not be any load limitation;

APTRANSCO & APSLDC Comment/Suggestion: Even though the said definition is mentioned in line with Electricity (Promoting Renewable Energy through Green Energy Open Access) Rules, 2022, it is submitted that the definition should more clearly specify that entity is about a scheduled consumer/ consumer of distribution licensee (or) OA consumer as defined in the Regulation 2 of 2006

c. 4. Categorization of Open Access

The open-access consumers shall be classified into the following categories based on the duration of use of the intra-state transmission and/or distribution system:

- i. Long-term Open Access consumers- persons availing or intending to avail the open access for a period equal to or more than five years.
- ii. Medium-term Open Access consumers- persons availing or intending to avail the open access for a period of more than one year and less than 5 years.
- iii. Short-term Open Access consumers- persons availing or intending to avail the open access for a period of one year or less.

Provided that the short-term open access consumer shall be eligible & re-eligible to obtain fresh reservation on the filing of application after the expiry of his term and subject to availability. Such eligibility shall be on priority fixed on the basis of the date of application.

APTRANSCO & APSLDC Comment/Suggestion:

In the above clauses the word “open-access consumers” may be replaced as “open-access users” in view of the definition mentioned in regulation 2 of 2006 for “Open-access consumer” and the definition of open-access users may also be added in the present regulation in line with Regulation 2 of 2005.

Short-term Open Access consumers- persons availing or intending to avail the open access for a period of more than one day to one year or less.

d. 5. Priority over Fossil based plants

The Green Energy Open Access Consumers shall be given priority over fossil-based open access consumers in connectivity and open access in general and also

in case of system constraints and availability of limited transmission/distribution system capacity while granting approval for connectivity or open access.

APTRANSCO & APSLDC Comment/Suggestion:

The above clause is to be modified as follows to avoid confusion in view of the definition of Open Access Consumers in regulation 2 of 2006

The Green Energy-based generator shall be prioritized over fossil-based generators in connectivity and open access in general and in case of system constraints and availability of limited transmission/distribution system capacity while granting approval for connectivity or open access.

e. 6. Preference and Curtailment Priority:

Among the GEOA consumers, long-term GEOA consumers shall have preference followed by medium term and short-term, at any given time.

Provided that, the decision for allowing the open access shall be on the basis of first come first served.

In case of constraints in the transmission system or distribution system, the curtailment priority shall be as follows:

a. Short-term open-access consumers other than Green Energy Open Access consumers shall be curtailed first followed by Green Energy Open Access consumers.

b. Medium-open-access consumers other than Green Energy Open Access consumers shall be curtailed first followed by Green Energy Open Access consumers.

c. Long-term open-access consumers other than Green Energy Open Access consumers shall be curtailed first followed by Green Energy Open Access consumers.

APTRANSCO & APSLDC Comment/Suggestion:

In the above phrases of regulation, the word “consumers” may be replaced with “generators” because during grid constraints it is common procedure to curtail generation rather than loads

f. 7. Eligibility criteria for Green Energy Open Access

Provided further that such entities, having been declared insolvent or bankrupt or having outstanding dues against them for more than two months billing of the

distribution/ transmission licensee or having a case of unauthorized use of electricity/theft of electricity pending against them at the time of application, shall not be eligible for open access.

APTRANSCO & APSLDC Comment/Suggestion:

Provided further that such entities, having been declared insolvent or bankrupt or having outstanding dues (for both generator and consumer) against them for more than two months billing of the distribution/ transmission licensee or having a case of unauthorized use of electricity/theft of electricity pending against them at the time of application, shall not be eligible for open access.

g. 10. Treatment for existing entities:

The existing consumer(s)/generators shall continue to avail the open access as per the existing agreements or government policy for the period specified in those agreements or policies, to the extent they are not inconsistent with the Act.

Provided that the existing consumers/generators shall continue to pay the applicable charges as specified in their respective agreements.

Provided further that RE open access for the subsequent period in respect of such consumer/generator shall be governed by provisions of this Regulation, including any renewal after the completion of the initial period of existing agreements.

APTRANSCO & APSLDC Comment/Suggestion:

Clarification is requested for the subsequent period in the existing agreements regarding the applicability of conditions specified in this regulation as per the 2nd proviso of the aforesaid clause

h. 11. Metering: Metering shall be done in accordance with provisions of CEA (Installation and Operation of Meters) Regulations 2006 as amended from time to time

APTRANSCO & APSLDC Comment/Suggestion:

Regarding metering, APERC Practice Directions No. APERC/1/2015, Dated: 29-01-2015, and its amendment dt:05.02.2016 may be recommended, and also in the case of generators, the clause “metering arrangement & energy accounting “ in APERC Regulation 3 of 2017 (Power Evacuation from captive Generation, Co-generation and RE source plants) may be recommended directly as these directions/regulation were issued referring the said CEA regulations.

i. 12. Charges to be levied for Green Energy Open Access:

The processing fee for Green Energy Open Access under Long and Medium-term shall be Rs.1,00,000 and Rs.25,000 for the short-term.

APTRANSCO & APSLDC Comment/Suggestion:

The processing fee for Long Term Open Access Applications was determined by Hon'ble APERC way back in the year 2005 as Rs.10,000/- Therefore, it is submitted to recommend Long Term Open Access Application Processing fees as Rs.2,00,000/-(Rupees Two Lakhs) + GST and Rs.1,00,000/- (Rupees One Lakh) + GST for Medium-term Open Access on par with other states.

The processing fee for Green Energy Open Access under short-term shall be Rs.50,000 + GST.

j. 14. Banking

- (1) The Banking shall be on a monthly billing cycle basis
- (6) Settlement of open-access energy at the consumer end shall be in the following order of priority:
 - a) RE generation after deduction of losses.
 - b) Captive Power
 - c) Banked Energy
 - d) Open Access Power through Exchange / Bi-lateral transactions
 - e) DISCOM's power

APTRANSCO & APSLDC Comment/Suggestion:

- (1) The Banking shall be on a monthly billing cycle basis i.e from 1st to 30th/31st of the month and the energy settlements will be carried out for the calendar month.
- (6) Settlement of open-access energy at the consumer end shall be in the following order of priority:
 - a) RE generation after deduction of losses
 - b) Captive Power/Third party (other than RE)
 - c) Banked Energy
 - d) Open Access Power through Exchange / Bi-lateral transactions
 - e) DISCOM's power

Settlement of open-access energy for the Generator shall be in the following order of priority:

- a) Open Access Power through intrastate consumer transactions – 1st priority

b) Open Access Power through Exchange / Bi-lateral transactions – 2nd priority

k. 16. Collection and Disbursement of Charges

The charges in respect of GEOA consumers shall be payable directly to the respective State Nodal Agencies in accordance with the terms and conditions of payment as specified by the State Nodal agency. SNA shall disburse the amount received to the appropriate licensees. In case more than one licensee is supplying in the same area, the licensee from whom the consumer was availing supply shall be paid the OA amounts so collected.

APTRANSCO & APSLDC Comment/Suggestion:

To date, the Nodal Agencies are intimating the OA user the applicable OA charges and were requesting to pay transmission & SLDC charges to APTRANSCO, Wheeling & cross-subsidy directly to Discoms, hence requested to modify accordingly.

In view of the above, it is requested to consider the above remarks/comments of APTRANSCO & APSLDC before finalizing the draft APERC (Green Energy Open Access, charges, and Banking) Regulations, 2023 (GEOA,2023).

Yours faithfully,



Chief General Manager
Commercial & Legal
APTRANSCO