



# ASSAM ELECTRICITY REGULATORY COMMISSION

## ORDER SHEET

FILE NO. AERC 792/2021

PETITION NO: 05/2021

**CORAM:** HON'BLE SHRI K.S. KRISHNA, CHAIRPERSON  
HON'BLE SMTI B. BORTHAKUR, MEMBER  
HON'BLE SHRI S.N. KALITA, MEMBER

**In the matter of**

Petition for clarification on different issues related to AERC (Terms & Conditions for Open Access) Regulations' 2018.

AND

**In the matter of**

State Load Despatch Centre (SLDC),  
Assam Electricity Grid Corporation Limited (AEGCL)

---- Petitioner

**ORDER**

**18.11.2021**

1. The Petition filed by SLDC, AEGCL on 14.09.2021 was registered as **Petition No. 05 of 2021**.
2. In the said petition, the Petitioner sought clarifications on different issues related to AERC (Terms & Conditions of Open Access) Regulations, 2018 and made the following prayers:
  - a) To clarify the importance of section 4 clause 3 of the Regulations where consumer should have Contract Demand of minimum 1 MW to avail Open Access, when consumers can bid as low as 0.1 MW in IEX.
  - b) To clarify under what conditions the open access will remain suspended.  
  
If open access is allowed even when one of the meters is defective, then what should be the time duration allowed to get the defective meter rectified. And if the meter is not rectified within the stipulated time period, can SLDC go for suspension of the open access.
  - c) To clarify as to which Regulations; "AERC (Terms & Conditions for Open Access) Regulations, 2018" or "CERC (Deviation Settlement Mechanism and Related Matters) Regulations, 2014" shall be applicable in case of Inter State Transactions by State Entities.
  - d) To come up with a provision in the Regulations to bind the consumers to take necessary action whenever the telemetry system fails to report to SLDC. It is also requested that suspension of open access should also be one of the bindings so that reliability of data reporting is maintained.
  - e) To specify whether SLDC should collect its charges from the inception date of each of Hayen Hydel Power Company Private Limited and Suryataap Solar.
  - f) To frame a State Regulation for fees and charges for SLDC where the procedures and charges to be collected are mentioned.

- g) To direct them the amount to be charged as registration fees to the RE Generators seeking for Grid connection and to Open Access Consumers. Also, please specify the validity period of the registration. This is requested as an interim measure till AERC comes up with SLDC Fees and Charges Regulations.
  - h) To guide them whether Deemed Licensees are eligible for Long Term and Medium Term Open Access, apart from being eligible for Short Term Open Access.
3. The Commission perused the petition submitted and directed that a discussion be held among the officials of the Petitioner and the technical team of the Commission so as to understand the issues raised by the Petitioner and clarify the same.
4. Accordingly, a discussion was held on the clarifications sought by the petitioner on 05.10.2021 at 3:00 p.m. at the Conference Hall of the Commission among the officials from SLDC and technical team of AERC. Shri Bimal Bora, Adviser SLDC, Ms. Rodali Khaund, DGM (Operations), SLDC and Ms. Toushita Jigdung, AGM (Operations), SLDC attended the discussions on behalf of the Petitioner.
5. During the course of the discussion, all the issues raised by the Petitioner were discussed at length and clarified. The same are briefly reproduced hereunder:
- a) Regarding the significance of minimum 1 MW contract demand to avail Open Access, it is clarified that since Regulation 4.3 of the AERC (Terms & Conditions for Open Access) Regulations, 2018 states that Open Access (OA) shall be permissible to all consumers having Contract Demand of 1 MW and above only, the same should be strictly adhered to while permitting OA.
  - b) In the matter of whether both the main and check meters should be in good condition at all times to allow OA, it is clarified that in case, any of the meters connected to OA consumers whether main meter or check meter goes out of order, immediately on detection, the consumer should be asked to replace/rectify the defective meter within a period of one month from the date of notice. If the defective meter is not replaced within the month, then, Open Access should not be allowed to continue.
  - c) Regarding applicability of “AERC (Terms & Conditions for Open Access) Regulations, 2018” or “CERC (Deviation Settlement Mechanism and Related Matters) Regulations, 2014” in case of Inter State Transactions by State Entities; it is clarified that all inter-state transactions are calculated at the State periphery of the respective State collectively. For an individual entity within the State, the AERC (Terms & Conditions for Open Access) Regulations, 2018 will be applicable.
  - d) Regarding provision in Regulations to bind the consumers to take necessary action whenever the telemetry system fails to report to SLDC, it was informed that Regulation 13.2.2 of the AERC OA Regulations, 2018 states that availability of RTU and communication facilities to transmit real time data to SLDC is a pre-requisite for availing open access. SLDC shall take necessary

action against the defaulting OA consumers who failed to conform to the basic requirements, after giving written notice to them.

- e) In the matter of SLDC charges to be collected from RE Generators, it was clarified that charges may be collected as per the relevant Regulations of AERC w.e.f. the date of effect of the Regulations.
- f) Regarding framing a State Regulation for fees and charges for SLDC where the procedures and charges to be collected are mentioned, SLDC is advised to submit a detailed proposal through a separate petition with approval of the appropriate authority.
- g) Regarding registration fees of RE Generators, SLDC may submit a proposal with detailed justification along with the MYT Petition with approval of the appropriate authority.
- h) In the matter as to whether deemed licensee is eligible for Long Term and Medium-Term Open Access, apart from being eligible for Short Term Open Access, it was clarified that if the deemed licensee is not supplying or distributing power to any consumer but utilizing the power for their own use, then they may also avail OA as a consumer following all the provisions of the OA Regulations.

6. Having clarified the issues raised and necessary guidance to implement the same, the Petition No.05/2021 stands disposed of accordingly.

s/d

**(S.N. Kalita)**  
**Member, AERC**

s/d

**(B. Borthakur)**  
**Member, AERC**

s/d

**(K. S. Krishna)**  
**Chairperson, AERC**