

MEGHALAYA STATE ELECTRICITY REGULATORY COMMISSION

New Admn. Building, Left Wing, 1st Floor

Lower Lachumiere: Shillong – 793001

NOTIFICATION

Dated: 9th May 2024

No. MSERC/Green Tariff/Regn/2023/01: In exercise of the powers conferred under section 181, of the Electricity Act, 2003 (36 of 2003), read with section 42, section 61 and section 86 thereof and all other powers enabling in this behalf, the Meghalaya State Electricity Regulatory Commission after previous publication hereby makes the following Regulations, namely-

Meghalaya State Electricity Regulatory Commission

(Terms and Conditions of Green Energy Open Access) Regulations 2023

CHAPTER 1

PRELIMINARY

1. Short Title, Extent and Commencement

- (1) These Regulations may be called the Meghalaya State Electricity Regulatory Commission (Terms and Conditions of Green Energy Open Access) Regulations, 2023.
- (2) These Regulations shall come into force from the date of their notification in the Official Gazette of Meghalaya.
- (3) These Regulations shall extend to the whole of the State of Meghalaya.

2. Objective

The objective of these regulations is to provide a methodology for the determination of Open Access charges and Banking charges for Green Energy Open Access consumers.

3. Definitions

- (1) In these regulations, unless the context otherwise requires,
 - (a) "Act" means the Electricity Act, 2003 (36 of 2003);

- (b) **“Banking”** means the surplus green energy scheduled and injected into the grid and credited with the distribution licensee by the Green Energy Open Access consumers;
- (c) **“Banking Cycle”** means a continuous period of 3 months starting from the date of commencement of banking provided that the Distribution Licensee depending upon the feasibility and for reasons to be recorded in writing shall be entitled to extend the period of banking cycle not beyond the end of a financial year and such extension of banking cycle shall not be altered more frequently than once in a financial year.
- (d) **‘Central Commission’** means the Central Electricity Regulatory Commission referred to in sub-section (1) of Section 76 of the Electricity Act 2003;
- (e) **“Central Nodal Agency”** means a Central Nodal Agency as notified by the Central Government to set up and operate a single window green energy open access system for renewable energy;
- (f) **“Commission”** means the Meghalaya State Electricity Regulatory Commission constituted under the Electricity Act 2003;
- (g) **“Day Ahead Market (DAM)”** means a market where Day Ahead Contracts are transacted on the Power Exchange(s);
- (h) **“Forum of Regulators”** means the Forum as referred to in sub-section (2) of section 166 of the Act;
- (i) **“Fossil Fuel”** means fuels such as coal, lignite, gas, liquid fuel or combination of these as its primary source of energy, which are used in Thermal Generating Station for generating electricity;
- (j) **“Green Energy”** means the electrical energy from renewable sources of energy including hydro and storage (if the storage uses renewable energy) or any other technology as may be notified by the Government of India from time to time and shall also include any mechanism that utilizes green energy to replace fossil fuels including production of green hydrogen or green ammonia as may be determined by the Central Government;
- (k) **“Green Energy Open Access Consumer”** means any person who has contracted demand or sanctioned load of 100kW or more or such other limit as may be specified by Commission from time to time, except for

captive consumers, who are supplied with electricity from green energy sources for their own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving green energy with the works of a licensee, the Government or such person, as the case may be.

- (l) **“Medium-term open access”** means the open access for a period exceeding three months but not exceeding three years
- (m) **“Month”** means a calendar month as per the Gregorian calendar;
- (n) **“State Nodal Agency”** means the nodal agency defined in Regulation 7 of these regulations;
- (o) **“Open access”** means the non discriminatory provision for the use of transmission lines or distribution system or associated facilities with such lines or system by any licensee or consumer or a generating company in accordance with these regulations and includes long- term open access, medium-term open access and short-term open access.
- (p) **“Rules”** means the Electricity (Promoting use of Renewable Energy Through Green Energy Open Access) Rules, 2022 and subsequent amendments;
- (q) **“Renewable Energy Sources”** means renewable electricity generating sources such as small hydro, wind, solar, biomass, bio fuel, cogeneration (including biogases based co-generation), urban or municipal waste and such other sources as recognized or approved by MNRE or State Government;
- (r) **“SERC”** means the State Electricity Regulatory Commission;
- (s) **“Short-term open access”** means open access for a period up to one month at a time.
- (t) **“SLDC”** means the State Load Dispatch Centre established under sub section (1) of section 31 of the Electricity Act 2003;
- (u) **“State Grid Code”** means the State Grid Code notified by the Commission under clause (h) of sub-section (1) of section 86 of the Act,

applicable on the date of commencement of these regulations and as amended from time to time;

- (v) **“Standby charges”** means the charges applicable to green energy open access consumers against the standby arrangement provided by the distribution licensee, in case such green energy open access consumer is unable to procure/schedule power from the generating sources with whom they have the agreements to procure power due to outages of generator, transmission systems and the like;
- (w) **“State Transmission Utility (STU)”** means the State Electricity Board or the Government Company notified by the State Government under sub-section (1) of section 39 of the Electricity Act 2003;
- (x) **“Wheeling”** means the operation whereby the distribution system and associated facilities of a transmission Licensee or distribution Licensee, as the case may be, are used by another person for the conveyance of electricity on payment of charges to be determined under section 62 of the Electricity Act 2003;

- (2) Words and expressions used and not defined in these regulations but defined in the Act or IEGC or State Grid Code or any other regulation of the Commission shall have the meaning assigned to them under the Act or the IEGC or the State Grid Code or any other regulation of the Commission as the case may be.

4. Scope and Applicability

These regulations shall be applicable for allowing Open Access of electricity generated from green energy sources as defined under clause (1) of Regulation 3 of these Regulations, including the energy from non-fossil fuel-based Waste-to-Energy plant for use of Intra-State Transmission System (InSTS) or distribution system or both, which are incidental to Inter- State Transmission of electricity.

CHAPTER 2

GENERAL PROVISIONS OF OPEN ACCESS

5. **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 three years.
- ii. Medium-term Open Access consumers - persons availing or intending to avail the open access for a period more than three months and less than 3 years.
- iii. Short-term Open Access consumers- persons availing or intending to avail the open access for a period of one month at a time .

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

6. **Eligibility criteria for Green Energy Open Access:**

1. Subject to the provisions of these Regulations and system availability, consumers, licensee and/or "Green Energy" generating stations shall be eligible for Green Energy Open Access to the inter-state as well as intra-state transmission.
2. The consumers who have contracted demand or sanctioned load of hundred kW (100 kW) and above shall be eligible to take power through Green Energy Open Access and there shall be no limit of supply of power for the captive consumers taking power under Green Energy Open Access.
3. The limit of open access that can be granted will be subject to the voltage level to which the Green Energy Open Access consumer is connected.
 - i. For consumers connected at 11 KV level, the open access that can be granted is between 100 KW but less than 2 MW.
 - ii. For consumers connected at 33 KV level, the open access that can be granted is between 2 MW but less than 5 MW.

- iii. For consumers connected at 33 KV level and above, the open access that can be granted is above 5 MW in which case, the consumer would be deemed a “User” of the intra state transmission network.
4. Provided that such open access shall be for a minimum twelve time blocks of 15 minutes time interval during a day, for which the consumer shall not change the quantum of power consumed through open access subject to the condition that all such open access bids for such continuous time blocks had been cleared by the power exchanges. In the event of non-clearing of open access bids for continuous time blocks the resultant power flow, if any, shall be deemed to have been availed from the distribution utility for the quantum that was placed as bids
5. Provided further that such consumer of a distribution licensee shall be entitled for seeking open access provided he is connected through an independent feeder emanating from a grid sub-station. In case of more than one such consumer on such independent feeder, the following condition shall apply:-
 - i. A group of two or more consumers of a distribution licensee having a contracted demand or sanctioned load of hundred (100) kW and above connected to the distribution system of licensee at 11 kV or above through an independent feeder emanating from a grid substation, shall also be entitled for seeking open access if all such consumers collectively apply for open access through a group representative to be nominated by all such consumers on that feeder provided that all such consumers shall have necessary infrastructure for time-block wise energy metering and accounting installed at their premises and provided further that schedule of power through open access of individual consumers shall also be supplied by the group representative.
 - ii. However, all the individual consumers of the group shall have to separately pay the prescribed application fee and SLDC charges.
 - iii. Alternately if such a group of consumers agree for a single point connection, the group as a whole shall be treated as a single consumer for all practical purposes including scheduling, metering and billing and in that case individual ABT metering equipment will not be required. The application fee and SLDC charges shall also be charged for a single

application. The billing shall be done based on ABT meter installed on the independent feeder at the sub-station and the contract demand of the group shall be taken as the sum of the contract demands of the individual consumers.

- iv. Provided further that the consumers of a distribution licensee with contract demand of 100KW or above who are not on independent feeders may be allowed open access subject to the condition that they agree to the system constraints as well as the power cut restrictions imposed by the distribution licensee serving them. In such cases, under drawl, if any, on account of power cut restrictions shall not be compensated.
- v. Provided further that the grant of open access to such consumers shall be subject to the condition that if power is scheduled to be sold/procured through open access in any timeslot of the day, it shall not be less than 100 kW.
- vi. Provided further that such consumers, having been declared insolvent or bankrupt or having outstanding dues against him 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 him at the time of application, shall not be eligible for open access.
- vii. The maximum admissible drawl in any time block during the day for green energy open access consumer shall be the difference of sanctioned contract demand and scheduled entitlement.
- viii. Green Energy Open Access consumer shall have the requisite communication system in place to facilitate seamless communication of data from the Green Energy Open Access consumer or Green Energy generating station to State Nodal Agency (SLDC), ALDC (Area Load Despatch center) and LMU (Load Management Unit) as the case may be depending on the voltage level of connectivity. Provided that the data of generators having collective capacity of 1 MW and above shall be utilized by the state Nodal Agency (SLDC) for energy accounting and real time grid management.

7. Nodal Agency:

- (1) The Central Government has notified the 'POSOCO' as the Central Nodal Agency to set up and operate single window green energy open access system for renewable energy.
- (2) SLDC shall be the State Nodal Agency for grant of green energy open access for short term (upto a month) for consumers connected at 33 KV and above , while the distribution licensee shall be the nodal agency for grant of Green Energy Open Access for short term (upto a month) for consumers connected at 11 KV and below. The State Transmission Utility (STU) shall be the Nodal Agency for grant of Green Energy Open Access for medium (three months to three years) and long term (more than three years).
- (3) All the applications related to connectivity and green energy open access shall be received and processed at STU Headquarter in accordance with the procedure and formats devised by STU. The STU may be guided by the procedure prepared by POSOCO (The Grid Controller of India Ltd.) for grant of green energy open access.

8. Procedure for grant of Green Energy Open Access:

- (1) The detailed procedure for grant of connectivity and Green Energy Open Access including the application format and applicable Bank Guarantees/Fee/Charges etc., shall be prepared by the State Nodal agency, within a period of 30 days from the date of notification of these regulations and filed in this Commission for approval.
- (2) All the applications for the Green Energy Open Access complete in all respects, shall be submitted on the portal set up by the Central Nodal Agency and these applications shall get routed to the State nodal agency as specified by the Commission under these Regulations for grant of green energy open access.
- (3) The State Nodal Agency shall, by an order in writing, approve the applications for the Green Energy Open Access within a period of fifteen days from the date of receipt of complete application for connectivity/open access, failing which it shall be deemed to have been

approved subject to the fulfillment of the technical requirements as specified by the Commission:

Provided that the order of processing of such applications for Green Energy Open Access shall be first in first out.

- (4) The Short term and medium term open access shall be allowed, if there is sufficient spare capacity available in the transmission system without any augmentation whereas for long term open access, the transmission system may be augmented if required:

Provided that priority shall be given to long term in the existing system if spare capacity is available and further, open access for non-fossil fuel sources shall be given priority over the open access from the fossil fuel.

Provided further that during congestion in the Transmission network, the order of curtailment of open access for non-fossil fuel sources shall be after the curtailment of open access from the fossil fuel.

Provided further that computation of transmission capacity available for open access/Green Energy open access will be in line with the methodology employed for relieving congestion in real time operation as per CERC (Measures relieve congestion in real time operation) Regulations, 2009 at the National, Regional, Inter State and Intra State levels.

- (5) No application for open access shall be denied unless the applicant has been given an opportunity of being heard in the matter by the State Nodal Agency and all orders denying open access shall be speaking orders.
- (6) Appeals against an order of the State Nodal Agency, shall lie before the Commission, within a period of thirty days from the date of receipt of order.
- (7) The Commission shall dispose the appeal within a period of three months and the order issued by it, shall be binding on the parties.

9. Green Energy Certificate

The Nodal agency, as the case may be, shall give Green Energy certificate on yearly basis to the consumers for the green energy supplied by the licensee to consumer on his request beyond the renewable purchase obligation of the consumers.

CHAPTER 3

GREEN ENERGY OPEN ACCESS CHARGES

10. Green Energy Open Access Charges

The charges on Green Energy Open Access consumers shall be as follows: -

- (1) Transmission charges;
- (2) Wheeling charges;
- (3) Cross subsidy Surcharge;
- (4) Standby charges wherever applicable;
- (5) Banking Charges and
- (6) Other fees and charges such as SLDC fees and scheduling charges, deviation settlement (DSM) charges as per the relevant regulations of the Commission.

11. Transmission Charges

- a) For use of inter-State transmission system: As specified by the Central Commission from time to time.
- b) For use of intra-State transmission system: Charges shall be levied on Green Energy Open Access Consumers as determined by the Commission in Transmission Tariff Orders from time to time:

Provided that, where a dedicated transmission system for open access has been constructed by Transmission Licensee and used for exclusive use of an Open Access Consumer, the Transmission Charges for such dedicated system shall be worked out by Transmission Licensee and shall get the same approved from the Commission. The Charges shall be borne entirely by such Open Access Consumer till such time its surplus capacity, if any, is allotted and used by other persons or for other purposes.

Provided further that after allotment of such surplus capacity to other open access consumers, the charges shall be borne proportionately in the ratio of allotment of total capacity amongst the open access consumers:

Provided also that after utilization of such surplus capacity for other purposes by the transmission licensee, the charges shall be reduced to the extent surplus capacity is used by the Transmission Licensee:

Provided also that transmission charges shall not be applicable in case dedicated lines (as defined under Section 2(16) of the Act) constructed by generator are being utilized for supply to the Green Energy Open Access Consumer.

Provided also that in addition to the transmission charges, Intra-State transmission loss shall be applicable to consumers seeking Green Energy Open Access as may be determined and notified by the State Load Dispatch Center, Meghalaya State from time to time in accordance with applicable Regulations.

- 12. Wheeling Charges:** Wheeling Charges shall be levied on Green Energy Open Access Consumers as determined by the Commission in Retail Supply Tariff Order issued from time to time:

Provided that, where a dedicated distribution system for open access has been constructed by Distribution Licensee and used for exclusive use of an Open Access Consumer, the Wheeling Charges for such dedicated system shall be worked out by Distribution Licensee and shall get the same approved by the Commission. Such Charges shall be borne entirely by such Open Access Consumer till such time the surplus capacity, is allotted and used by other persons or for other purposes.

Provided further that after allotment of such surplus capacity to other open access consumers, the charges shall be borne proportionately in the ratio of allotment of total capacity amongst the Green Energy Open Access Consumers:

Provided also that after utilization of such surplus capacity for other purposes by the Distribution licensee, the charges shall be reduced to the extent surplus capacity is used by Distribution Licensee:

Provided also that wheeling charges shall not be applicable in case dedicated lines (as defined under Section 2(16) of the Act) constructed by generator are being utilized for supply to the Open Access Consumer.

Provided also that in addition to the wheeling charges, wheeling loss shall be applicable to consumers seeking Green Energy Open Access as determined in the Retails Supply Tariff Order of the Commission issued from time to time.

- 13. Cross subsidy surcharge:** Cross Subsidy surcharge shall be levied on Green Energy Open Access Consumers as determined by the Commission in its Retail Supply Tariff Order issued from time to time:

Provided that Green Energy Open Access Consumer, in addition to transmission and wheeling charges, shall pay applicable cross subsidy surcharge on the actual energy drawn during the month through open access. The amount of surcharge shall be paid to the Distribution Licensee of the area of supply from whom the consumer was availing supply before seeking open access:

Provided further that such cross-subsidy surcharge shall not be levied in case a person is availing green power from the plant established as captive generation plant for his own use;

Provided also that cross subsidy surcharge shall not be applicable in case Green Energy Open Access Consumer is availing power from a non-fossil fuel-based Waste-to-Energy plant.

Provided also that cross subsidy surcharge shall not be applicable if green energy drawn through green energy open access is utilized for production of green hydrogen and green ammonia.

Provided further that the cross-subsidy surcharge for Green Energy Open Access Consumers purchasing green energy, from a generating plant using renewable energy sources, shall not be increased by more than fifty percent of the cross-subsidy surcharge fixed for the year in which open access is granted during twelve years from the date of commissioning of the generating plant using renewable energy sources.

Provided also that the cross-subsidy surcharge shall not exceed 20% of the average cost of supply

- 14. Additional Surcharge:** Additional Surcharge shall be levied on Green Energy Open Access Consumers as determined by the Commission in its Retail Supply Tariff Order from time to time.

Provided that Green Energy Open Access Consumers, in addition to transmission charges, wheeling charges and cross subsidy surcharge, shall pay additional surcharge on the actual energy drawn during the month through open

access. The amount of additional surcharge shall be paid to the Distribution Licensee of the area of supply from whom the consumer was availing supply before seeking open access.

Provided further that the additional surcharge shall not be applicable for Green Energy Open Access Consumers, if fixed charges are being paid by such a consumer;

Provided also that such additional surcharge shall not be levied in case a person is availing green power from the plant established as captive generation plant for his own use.

Provided also that additional surcharge shall not be applicable in case Green Energy Open Access Consumer is availing power from a non-fossil fuel based Waste-to-Energy Plant.

Provided also that the additional surcharge shall not be applicable if green energy drawn through green energy open access is utilized for production of green hydrogen and green ammonia.

Provided also that additional surcharge shall not be applicable in case of green energy is supplied to the Green Energy Open Access Consumers from offshore wind projects which are commissioned upto December, 2025.

15. Standby Facility and Charges

a) In case the green energy open access consumer is unable to procure/schedule power from the generating sources with whom they have the agreements to procure power due to outages of generator, transmission systems and the like, standby arrangement shall be provided to Green Energy Open Access consumer by the distribution licensee of the area of its supply.

b) The Standby Charges for Green Energy Open Access for such standby arrangement shall be 125% of normal tariff of the consumer category:

Provided that such Standby Charges shall not be applicable if the Green Energy Open Access Consumers have given notice, at least a day in advance before gate closure in DAM on 'D-1' day, 'D' being the day of delivery of power, for standby arrangement to the distribution licensee.

c) The Standby Charges for Green Energy Open Access shall be computed in Rs/kWh and it shall be charged on the actual energy drawn by the consumer from

distribution licensee during the period of standby availed by Green Energy Open Access consumer in case of outage of RE generator under Green Energy Open Access.

16. Banking Facility and Charges

- (a) Banking facility shall be provided to the consumers availing Green Energy Open Access. The surplus energy from a 'Green Energy' Generating Station after setoff shall be banked with the Distribution Licensee.
- (b) The banking facility including injection of surplus energy and drawal of banked energy shall be subject to scheduling.
- (c) The Banking Charges shall be adjusted in kind @ 8% of the energy banked.
- (d) The Banking of energy shall be permitted atleast on a monthly basis on payment of banking charges to the Distribution Licensee.

Provided that the credit for banked energy shall not be permitted to be carried forward to subsequent banking cycles and shall be adjusted during the same banking cycle as per the energy injected in the respective Time of Day ('TOD') slots determined by the Commission in its Orders determining the tariff of the Distribution Licensee; Provided further that, the energy banked during peak TOD slots shall be permitted to draw during peak as well as off-peak TOD slot by paying the banking charges as specified in Clause 15(c) of this Regulation. However, the energy banked during off-peak TOD slots shall be permitted to draw during off-peak ToD slot only.

Provided also that the licensee shall reconcile the banking charges recovered as mentioned in clause 15(c) above at the end of each financial year on the basis of actual cost of power purchase arranged by the licensee to return banked energy and claim additional expenses, if any, through a separate petition alongwith truing up petition of Retail supply tariff of subsequent financial year.

- (e) The un-utilized surplus banked energy shall be considered as lapsed at the end of each banking cycle:

Provided that, the RE Generating Station would be entitled to Renewable Energy Certificates to that extent.

17. Other Charges

In addition to above charges, the consumer availing Green Energy Open Access shall also pay the following charges determined by the Commission as per the provisions of the relevant regulations of the Commission:

- a) Applicable SLDC fees and charges
- b) Scheduling charges
- c) RE Deviation Settlement Charges

18. Collection and Disbursement of Charges

The Charges in respect of Green Energy Open Access consumers shall be payable to the State Nodal Agency in accordance with the terms and conditions of payment as specified by the State Nodal Agency. State Nodal Agency shall disburse the amount received to the appropriate licensees i.e., Transmission charges to the STU and Distribution network charges to the Distribution licensee.

CHAPTER 4

MISCELLANEOUS

19. Power to give directions

The Commission may from time to time issue such directions and orders as considered appropriate for implementation of these Regulations

20. Power to relax

The Commission may by general or special order, for reasons to be recorded in writing, and after giving an opportunity of hearing to the parties likely to be affected, may relax any of the provisions of these Regulations on its own motion or on an application made before it by an interested person.

21. Power to amend

The Commission may from time to time add, vary, alter, suspend, modify, amend, or repeal any provisions of these Regulations.

22. Power to remove difficulties

If any difficulty arises in giving effect to the provisions of these Regulations, the Commission may, by an order, make such provisions, not inconsistent to the provision of the Act and these Regulations, as may appear to be necessary for removing the difficulty.

23. Interpretation

The decision of the Commission regarding the interpretation of these Regulations shall be final and binding.

Sd/-
Secretary
Meghalaya State Electricity Regulatory Commission