

Bhopal, the 16<sup>th</sup> January 2023

No. MPERC/2023/161 In exercise of powers conferred by Section 39(2)(d), 40(c), 42(2) and (3) read with Section 181(1) of the Electricity Act 2003, (36 of 2003) and all other powers enabling it in that behalf, the Madhya Pradesh Electricity Regulatory Commission (Terms and Conditions for Intra-State Open Access in Madhya Pradesh)(Revision-I) Regulations, 2021 ({RG-24(I) of 2021}herein after referred to as "the Principal Regulations" namely: -

**FIRST AMENDMENT TO MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION (TERMS AND CONDITIONS FOR INTRA-STATE OPEN ACCESS IN MADHYA PRADESH) (REVISION-I) REGULATIONS, 2021 {RG-24(I) OF 2021}**

**1. Short Title and Commencement-**

- 1.1. These Regulations shall be called "Madhya Pradesh Electricity Regulatory Commission (Terms and Conditions for Intra-State Open Access in Madhya Pradesh) Regulations, (Revision-I) 2021 (First Amendment) {ARG-24(I)(i) of 2023}".
- 1.2. These Regulations shall come into force from the date of their publication in the Madhya Pradesh Gazette.
- 1.3. These Regulations shall extend to the whole of the State of Madhya Pradesh.

**2. Amendment to Regulation 2 of the Principal Regulations.**

**A new clause, namely, Clause (ix)(a) shall be inserted after Clause (ix) of the Regulation 2 of the Principal Regulations: -**

**"(ix)(a)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 utilises green energy to replace fossil fuels including production of green hydrogen or green ammonia or any other sources, as may be prescribed by the Central Government;"

**3. Amendment to Regulation 3 of the Principal Regulations.**

**The second proviso of the Regulation 3.3 of the principal Regulations shall be substituted by the proviso as under: -**

**"Provided further that renewable energy generators and users capacity of 100 KW or above shall be Provided open access, subject to no operational constraints in the Licensee's system:"**

**Following provisos shall be added after above proviso: -**

“Provided also that the renewal energy generators and users below 100 KW who have been granted permission for long-term, medium term or short-term open access prior to the date of notification of these Amendments, shall continue to avail such open access upto the period of permission already granted:

Provided also that Green Energy Open Access consumers shall not change the quantum of power consumed through open access for at least twelve-time blocks.”

**4. Amendment to Regulation 5 of the Principal Regulations.**

**In the Regulation 5.1 of the Principal Regulations words “The open access customers shall be classified into the following categories:” Shall be substituted by the following words; namely:**

“The open access customers including those availing green energy open access shall be classified into the following categories:”

**5. Amendment to Regulation 6 of the Principal Regulations.**

**In the Regulation 6.1 of the Principal Regulations, a proviso shall be added after existing proviso of the said Regulation as under: -**

“Provided further that, open access for “non-fossil fuel” sources shall be given priority over the open access from the “fossil fuel”.”

**6. Amendment to Regulation 8 of the Principal Regulations.**

**6.1 A new Regulation namely Regulation 8.1.1 shall be added after existing Regulation 8.1 of the Principal Regulations, as follows: -**

**“8.1.1 Nodal Agencies for Green Energy Open Access**

- i. All applications related to Green Energy Open Access shall be submitted on the portal set up by the Central Nodal Agency, as notified by the Central Government, and these applications shall get routed to the concerned nodal agency notified by the Appropriate Commission for grant of Green Energy Open Access.
- ii. The State Load Despatch Centre shall be the Nodal Agency for grant of Green Energy Open Access for Short-term and the State Transmission Utility shall be the Nodal Agency for grant of Green Energy Open Access for Medium and Long term.
- iii. The Nodal Agencies shall make available all relevant information regarding Green Energy Open Access to the public on the portal of the Central Nodal Agency.”

**6.2 In the Regulation 8.2 of the Principal Regulations the words “Intra State Open Access Regulations, 2005” shall be substituted by “Revised Intra-State Open Access Regulations, 2021” and the words “these revised Regulations” shall be substituted by “these amendments in aforesaid Regulations”.**

**6.3 A new Regulation namely Regulation 8.5.1 shall be added after existing Regulation 8.5 of the Principal Regulations, as follows: -**

**“8.5.1 Procedure for grant of Green Energy Open Access.**

- (i) 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.
- (ii) 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, failing which it shall be deemed to have been approved subject to the fulfilment of the technical requirements as specified by the appropriate Commission:

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

- (iii) 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.

- (iv) No application for open access shall be denied unless the applicant has been given an opportunity of being heard in the matter and all orders denying open access shall be speaking orders.
- (v) Appeals against an order of the State Nodal Agency, shall lie before the Commission, within a period of 30 days from the date of receipt of order under above sub-clause (iv).
- (vi) The Commission shall dispose the appeal within a period of three months and the order issued by it, shall be binding on the parties.”

**6.4 In the existing Regulation 8.8 of the Principal Regulations the words “for other than Green Energy Open Access Consumers” shall be added after the words “Monitoring, Dispute Resolution and Review of decision”.**

**7. Amendment to Regulation 9 of the Principal Regulations.**

In the existing Regulation 9.1 of the Principal Regulations the words “to other than Green Energy Open Access Consumers” shall be added after the words “The following time schedule shall be adhered to by the Nodal Agency for processing of the

application for grant of open access”.

### 8. Amendment to Regulations 13 of the Principal Regulations.

A new sub-heading shall be added after main heading of this clause namely:

**“13 A: Charges for Open Access other than Green Energy Open Access Consumers:”**

Further a new sub-clause 13 B shall be added after sub clause 13.3 of the Principal Regulations, namely: -

**“13 B: Charges to be levied for Green Energy Open Access: -**

- i. The charges to be levied on Green Energy Open Access consumers shall be as follows:-
  - (a) Transmission charges;
  - (b) Wheeling charges;
  - (c) Cross subsidy Surcharge;
  - (d) Additional Surcharge;
  - (e) Applicable Scheduling Fees/Charges of SLDC/RLDC and Deviation charges;
  - (f) Charges imposed by State Government and applicable State/ Central taxes;
  - (g) Standby charges wherever applicable; and
  - (h) No other charges except the charges above, shall be levied.
- ii. The Cross-subsidy surcharge shall be as per the provisions of tariff policy read with Electricity (Amendment) Rules 2022 notified by the Central Government under the Act:

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

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 cross subsidy surcharge and additional surcharge shall not be applicable in case power produced from a Waste-to-Energy plant is supplied to the Open Access Consumer:

Provided also that Cross subsidy surcharge and additional surcharge shall not be applicable if green energy is utilized for production of green hydrogen and green ammonia.

- iii. The cross-subsidy surcharge payable by a consumer shall be such as to

meet the current level of cross subsidy within the area of supply of the Distribution Licensee.

- iv. The standby charges, wherever applicable, shall be specified by the State Commission and such charges shall not be applicable if the Green Energy Open Access Consumers have given notice, in advance at least twenty-four hours before the time of delivery of power, for standby arrangement to the Distribution Licensee:

Provided that the applicable standby charges shall not be more than ten per cent of the energy charges applicable to consumer tariff category:

Provided further that the standby charges shall be in addition to the energy charges for the energy supplied by the Distribution Licensee from its pool as per the provisions of MPERC (Cogeneration and Generation of Electricity from Renewable Sources of Energy) Regulations 2021 and MPERC (Methodology for determination of Open Access charges and Banking charges for Green Energy Open Access consumers) Regulations 2023 as amended.

Explanation: For the purposes of this Regulation, the expression "standby charges" means the charges applicable to open access consumers against the standby arrangement provided by the Distribution Licensee, in case the open access consumer is unable to procure power from the generating sources with whom they have the agreements to procure power due to outages of generator, transmission assets and the like.

By order of the Commission,  
UMAKANTA PANDA, Secy.