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BIHAR ELECTRICITY REGULATORY COMMISSION

OPEN ACCESS REGULATIONS

NOTIFICATION

The 20th May, 2006

No. BERC-Regulation-1/2006-191- In exercise of powers conferred under Section 42 read with Section 181 of the Electricity Act, 2003 (36 of 2003) and all other powers enabling the Commission in this behalf, the Bihar Electricity Regulatory Commission hereby makes the following Regulations :-

1. Short Title, Extent and Commencement

- (1) These Regulations shall be called **the Bihar Electricity Regulatory Commission (Terms and Conditions for Open Access) Regulations, 2005**.
- (2) These Regulations shall extend to the whole of the State of Bihar.
- (3) These Regulations shall come into force on the date of their publication in the official gazette of the State.

2. Definitions

- (1) In these Regulations, unless the context otherwise requires,
 - a) "**Act**" means the Electricity Act, 2003.
 - b) "**Commission**" means the Bihar Electricity Regulatory Commission.
 - c) "**Consumer**" means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under the 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 electricity with the works of a licensee, the Government or such other person, as the case may be;

- d) **“Existing Customer”** means a person already availing Open Access to the transmission system and/or distribution system of a licensee in the State under an existing agreement on the date of coming into force of these Regulations.
 - e) **"State Load Dispatch Centre"** means the centre established under sub-section (1) of Section 31 of the Act.
 - f) **“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 consumer or licensee or a person engaged in generation in accordance with the Regulations specified by the Commission.
 - g) **"Open Access Customer"** means a consumer permitted by the Commission to receive supply of electricity from a person other than the distribution licensee of his area of supply, and the expression includes a generating company and licensee, who has availed of or intends to avail of Open Access.
 - h) **“Person”** shall include any company or body corporate or association or body of individuals;
 - i) **“Premises”** includes any land, building or structure;
 - j) **"State Transmission Utility"** means the Board or the Government company specified as such by the State Government under subsection (1) of Section 39 of the Act;
 - k) **"State"** means the State of Bihar.
 - l) **"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 Act;
- (2) Words or expressions used in these Regulations and not defined herein but defined in the Act shall have the meaning as in the Act.

3. **Extent of Application**

These Regulations shall apply to Open Access for use of intra-state transmission system and / or the distribution system of licensees in the State, including when such systems are used in conjunction with inter-state transmission system.

Note: A consumer/person whose premises are situated within the area of supply of a distribution licensee, seeking to receive supply from a person other than the distribution licensee of his area of supply ; a generating company (including captive generating plant) or licensee seeking to supply to a consumer/person in the State, would need to apply for Open Access under these Regulations.

4. Eligibility for Open Access and Conditions

- (1) Subject to the provisions of these Regulations, the licensees, the generating companies, including the persons who have established a captive generating plant and the intending consumers, shall be eligible for non-discriminatory Open Access to the intra-state transmission system of the State Transmission Utility or any transmission licensee, subject to the availability of adequate transmission capacity in the intra-state transmission system of the State and further, subject to the payment of the transmission charges, as may be determined by the Commission, from time to time:
- (2) Subject to the provisions of these Regulations, the licensees, the generating companies, including the persons who have established a captive generating plant and the intending consumer, shall be eligible for Open Access to distribution system of a distribution licensee subject to the absence of operational constraints in the distribution system and also payment of the wheeling charges, as may be determined by the Commission from time to time.
- (3) Such Open Access for the use by a consumer shall be subject to payment of a surcharge and/or additional surcharge as may be determined by the Commission as provided under sub-sections (2) and (4) of Section 42 of the Act in addition to payment of transmission and/or wheeling charges.

5. Special Provisions for existing distribution licensees

- (1) The distribution licensees having Open Access to intra-state transmission system and the distribution system in the State on the date of coming into force of these Regulations under an existing agreement or arrangement shall be entitled to continue to avail Open Access to such transmission and /or distribution system on the same terms and conditions, for the term of the existing agreement or arrangement on payment of transmission charges, wheeling charges and other applicable charges as may be determined by the Commission from time to time.
- (2) The existing distribution licensees shall, within 60 days of coming into force of these Regulations, furnish to the State Transmission Utility and the State Load Dispatch Centre, details of their agreements for use of the transmission system and / or distribution system and the terms and conditions for such use.

6. Provisions for generating companies

- (1) The existing generating company other than the licensees availing Open Access under existing agreement or arrangement on the date of coming into force of these Regulations, shall furnish to the State Transmission Utility and State Load Dispatch Centre, details of existing agreement or arrangement for supply of power indicating details of capacity, point of injection, point of drawal, duration of availing Open Access, peak load, average load or such other information as the State Transmission Utility or State Load Dispatch Centre may require, within 60 days of coming into force of these Regulations.

- (2) The existing generating company under clause (1) above, may continue to avail Open Access on terms and conditions laid down as per the policy of the State Govt. or the agreement till the current validity of the policy/agreement. In cases where Open Access are not covered by any policy of the State Govt. or an existing agreement, Open Access shall be provided on payment of applicable charges as per these Regulations.

7. Categorisation of Open Access Customers

- (1) Subject to the provisions of Regulations 5 and 6, the Open Access customers shall be divided into two categories, based on the duration of use of the intra-state transmission system or the distribution system:
- (a) Long-term Open Access customers;
The persons availing or intending to avail of the Open Access for a period of five years or more shall be the long-term Open Access customers.
- (b) Short-term Open Access customers
The persons availing or intending to avail of the Open Access for a period of one year or less shall be categorised as the short-term Open Access customers.
- (2) Short-term Open Access customer shall be eligible to obtain fresh Open Access after the expiry of the term and shall be treated as a new applicant for capacity allocation.

8. Criteria for Allowing Open Access

- (1) The long-term Open Access shall be allowed in accordance with the transmission system planning criterion and the distribution system planning criterion as specified by the Commission from time to time.
- (2) The short-term Open Access shall be ordinarily allowed, if such request can be accommodated without jeopardising the safety of the grid system by utilising:
- (a) Inherent Design Margins;
- (b) Margins available due to variation in power flows; and
- (c) Margins available due to in-built spare transmission / distribution capacity created to cater to future load growth.
- (3) The State Transmission Utility and distribution licensees shall at all times endeavour to provide Open Access to their system and shall always equip their system to meet the future demand for Open Access and create sufficient capacity in the system to provide Open Access and thereby competition.

9. Nodal Agency

- (1) The Nodal Agency for arranging long-term Open Access in all cases shall be the State Transmission Utility whether its system is used or not; and for that purpose, a distribution licensee and/or a transmission licensee, whose system gets associated with such long-term Open Access, shall be responsible to co-ordinate with the State Transmission Utility and provide all relevant information required to take decision for providing Open Access.

- (2) Similarly, the Nodal Agency for short-term Open Access shall be the State Load Despatch Centre and in such case, the State Transmission Utility and/or a transmission licensee and/or a distribution licensee concerned, as the case may be, shall be responsible for co-ordination with the State Load Despatch Centre and provide all relevant information required to take decision for providing Open Access.

10. Phasing of Open Access

- (1) The Open Access to the intra-state transmission system and / or distribution system shall be allowed subject to the satisfaction of the conditions contained in the Act and in these Regulations;
- (2) Having regard to operational constraints and other relevant factors, Open Access shall be allowed to consumers in the following phases:

| S. No. | Phase | Category of consumers | Open Access to be allowed from or on |
|---------------|--------------|--|---|
| 1. | Phase I | Consumers with demand of 15 MW and above | June 1, 2006 |
| 2. | Phase II | Consumers with demand of 10 MW and above | December 1, 2006 |
| 3. | Phase III | Consumers with demand of 5 MW and above | December 1, 2007 |
| 4. | Phase IV | Consumers with demand of 1 MW and above | December 1, 2008 |

- (3) Based on the experience of operation of Open Access in Phases I and II, the Commission may revise the schedule for allowing Open Access in subsequent Phases;
- (4) The Commission may allow Open Access to consumers with demand of less than 1 MW at such time as it may consider feasible having regard to operational constraints and other factors;

11. Allotment Priority and Curtailment Priority

(1) Allotment Priority

The allotment priority for allowing Open Access shall be decided on the following criteria:

- (a) The persons covered by Regulations 5 and 6 shall have the first priority;
- (b) The long-term Open Access customer shall have the priority over the short-term customer;
- (c) Within each category, the distribution licensees shall have the priority;
- (d) An existing long-term Open Access customer shall have the priority over new long-term Open Access customer provided he applies for its renewal atleast 90 days prior to the expiry of existing term of Open Access;
- (e) The processing of long-term Open Access applications will be carried out during the first week of each month and all the Open Access applications received during the previous month, will be treated at par for processing the applications and not for allocation of capacity.

- (f) Subject to clauses (a) to (e) above, the decision for allocation of capacity for long-term Open Access customers shall be on the basis of first come first served.
- (g) The capacity reservation for short-term customers will be carried out within the processing time indicated in Regulation 13 (2). For applications requiring the Open Access for a period upto thirty days, subject to clauses (a) to (d) above, the decision for allocation of capacity shall be on the basis of first come first served. For applications requiring the Open Access for a period for more than thirty days, subject to clauses (a) to (d) above, all the applications received within a month would be treated at par for processing and for reservation.
- (h) In case of short-term Open Access for a period for more than thirty days, if the capacity sought to be reserved by the customers is more than the available capacity at that point of time, the following procedure would be followed:
 - (i) State Load Despatch Centre shall invite snap bids;
 - (ii) The floor price for the bidding shall be the price determined under Regulation 18(1) and 11 (2);
 - (iii) The bidders shall quote price in terms of percentage points above the floor price;
 - (iv) The reservation of capacity will be made in decreasing order of the price quoted;
 - (v) In case of equal price, if required, the reservation of capacity shall be made pro-rata to the capacity sought ; and
 - (vi) The customer getting reservation for a capacity less than the capacity sought by him shall pay charges quoted by him and the customers getting capacity reservation equal to the capacity sought by them shall pay charges quoted by the last customer getting full reservation of capacity sought by him.
- (2) The State Load Despatch Centre shall develop a detailed procedure for reservation of capacity to short term customers, including the procedure for bidding, within 90 days of notification of these Regulations and submit the same to the Commission for approval.

(3) **Curtailement Priority**

When because of system constraints or otherwise, it becomes necessary to curtail the Open Access service of the customers, the short-term Open Access customers shall be curtailed first followed by the long-term Open Access customers. The Open Access to distribution licensee and generating companies shall however be the last to be curtailed.

Provided that within a category, the Open Access customers shall have equal curtailment priority and shall be curtailed on pro-rata basis:

Provided further that in case of such curtailment, the transmission or wheeling charges paid by open access customers shall be reduced in proportion to their curtailed capacity.

12. Determination of Capacity

- (1) The availability of capacity in the intra-state transmission system for long-term Open Access shall be determined by the State Transmission Utility and for short- term Open Access, it

shall be determined by the State Load Despatch Centre, after considering the representation of the transmission licensees and the persons seeking the Open Access.

- (2) The availability of capacity in the distribution system, for long-term and short-term Open Access, including the existence or absence of operational constraints affecting the Open Access being allowed shall be determined by the State Load Despatch Centre after considering the representation of the distribution licensees and the persons seeking the Open Access.
- (3) In the event of any dispute on the capacity of the transmission system available or absence of operational constraints in the distribution system, to be determined by the State Transmission Utility or State Load Despatch Centre, as the case may be, the same shall be referred to the Commission for adjudication.
- (4) The Commission may while deciding on the dispute under clause (3) above, or otherwise, by a general or special order, made from time to time, lay down the conditions to be compiled by the persons seeking Open Access to the distribution system in regard to operational constraints and the Open Access shall be allowed subject to the satisfaction of such conditions.

13. Procedure for Grant of Open Access

(1) Long-term Customers

- (a) A person intending to avail long-term Open Access shall file an application to the State Transmission Utility with details such as the capacity needed, generation planned or power purchase contracted, point of injection, point of drawal, duration of availing Open Access, peak load, average load and any other additional information that may be required by the State Transmission Utility;
- (b) A consumer intending to avail Open Access shall also submit a copy of his application to the distribution licensee of his area of supply;
- (c) The application shall be accompanied by a non-refundable fee of Rupees fifty thousand payable in the name and in the manner laid down in the guidelines issued by the State Transmission Utility.
- (d) The State Transmission Utility shall, in consultation with State Load Despatch Centre, transmission and distribution licensees and based on system studies by the concerned licensee or otherwise, assess the capacity available and communicate the decision to the applicant within 30 days of the receipt of the application;
- (e) If, in the opinion of the State Transmission Utility, further system strengthening is essential before providing long-term Open Access, the applicant may request the State Transmission Utility to carry out system studies and preliminary investigation for the purpose of cost estimates and completion schedule for system strengthening;
- (f) The State Transmission Utility shall carry out the studies immediately on receipt of request from the applicant under sub clause (e) above and intimate results of the

studies within 90 days of receipt of request from the applicant. The applicant shall reimburse the actual expenditure incurred by the nodal agency for system studies and preliminary investigation referred to in sub clause (e) above;

Provided that the fee of Rupees fifty thousand paid by the applicant shall be adjusted against the actual expenditure to be reimbursed by the applicant.

(2) Short-term Open Access Customers

- (a) A person intending to avail short-term Open Access shall submit an application for Open Access to the State Load Despatch Centre. The application shall contain such details as capacity needed, generation planned or power purchase contracted, point of injection, point of drawal, duration of availing Open Access, peak load, average load and such other additional information as may be required by the State Load Despatch Centre ;
- (b) A consumer shall also furnish a copy of his application to the distribution licensee of his area of supply;
- (c) The application shall be accompanied by a non-refundable application fee of Rupees five thousand payable in the name and in the manner laid down in the guidelines issued by the State Load Despatch Centre; and
- (d) The State Load Despatch Centre shall take a decision on the application within the time period as specified below:

| S. No. | Term of Open Access | Maximum Processing Time |
|--------|-----------------------------------|-------------------------|
| 1. | Up to one day | 12 hours |
| 2. | Up to seven days | Two days |
| 3. | Up to thirty days | Seven days |
| 4. | Up to one hundred and eighty days | Fifteen days |
| 5. | Up to one year | Thirty days |

- (3) The State Transmission Utility and the State Load Despatch Center shall develop guidelines, procedures and application forms for applying for long-term and short-term Open Access respectively within 90 days of notification of these Regulations and submit the same to the Commission for approval.

14. Open Access Agreement

- (1) An Open Access customer shall enter into commercial agreements with the transmission and distribution licensees, State Load Despatch Centre and others, as applicable, for use of their transmission and distribution systems;
- (2) The agreement shall provide, amongst other things, billing and payment terms and eventuality of premature termination of an agreement and its consequences on the contracting parties;
- (3) After the agreements have been entered into and copies furnished to the State Load Despatch Centre, the State Load Despatch Centre shall inform the Open Access customer, the date

from which Open Access will be available which shall not be later than 5 days from the date of furnishing of agreements by the Open Access Customer.

15. Non-Utilisation of Open Access Capacity

(1) Long-term Open Access Customers

- (a) In case a long-term Open Access customer is unable to utilize the capacity allotted to him, he shall inform the State Transmission Utility along with reasons for his inability to utilize the capacity and may request for surrender of the capacity allotted to him by serving a notice of 30 days, after which the relevant capacity would be deemed to have been surrendered ;
- (b) The State Transmission Utility may reduce or cancel the allotted capacity of an Open Access customer on account of under-utilization after providing appropriate notice;
- (c) In addition to the above, for customers who were also provided any dedicated transmission and/or distribution system, the compensation payable for reduction or cancellation or surrendering of such dedicated capacity shall be hundred percent of the charges payable by such customer for the dedicated capacity so surrendered/ cancelled/ reduced for remaining period of allocation or till such time alternate users for the such dedicated capacity is found.
- (d) A long-term customer shall not relinquish or transfer his rights and obligations specified in the agreement, without prior approval of the Commission;
- (e) The relinquishment of transfer of rights and obligations or reduction/cancellation/ surrender of capacity by a long-term customer shall be subject to payment of compensation, as may be determined by the Commission from time to time.

(2) Short-term Open Access Customer

- (a) In case a short-term Open Access customer is unable to utilize the capacity reserved for him, he shall inform the Nodal Agency with a copy to distribution licensee along with reasons for his inability to utilize the capacity and may surrender the capacity allotted to him;
- (b) The State Load Despatch Centre may reduce or cancel the capacity reserved for a short-term Open Access customer on account of under-utilisation after providing appropriate notice under intimation to distribution licensee ;
- (c) A short-term Open Access customer, whose capacity has been reduced or cancelled or surrendered, shall bear the Open Access charges and all other charges (as applicable to short term Open Access customers) on the full original allocated capacity for the remaining period of original allocation or till the time such capacity is allotted to some other customers.
- (d) The State Load Dispatch Center may allot the transmission or distribution system capacity available as a result of surrender or reduction or cancellation of the reserved

capacity to any other short term Open Access customer in accordance with these Regulations.

- (3) The State Transmission Utility shall develop the guidelines in this regard, in consultation with SLDC, within 90 days of notification of these Regulations and submit the same to the Commission for approval.

16. Metering

- (1) The Open Access customer shall provide Availability Based Tariff (ABT) compatible Special Energy Meters at the point of injection and point of drawal;
- (2) The Open Access customer shall provide Main Meters and Check Meters as may be specified by State Transmission Utility;
- (3) The generating company or a licensee contracting to effect supply to an Open Access customer shall also provide Main Meters and Check Meters at interconnecting points;
- (4) The Check Meters shall be of the same specification as Main Meters at the point of injection and point of drawal;
- (5) The Main and Check Meters shall be periodically tested and calibrated by State Transmission Utility / distribution licensee;
- (6) Reading of Main and Check meters shall be taken periodically at appointed day and hour jointly by authorized officer of distribution licensee and Open Access customer or his representative as per procedure specified in the agreement.
Meter readings shall be communicated by the distribution licensee within 12 hours to State Load Despatch Centre, State Transmission Utility and generating company/ or the trading licensee, as the case may be.
- (7) An Open Access customer may request distribution licensee to provide Main Meters and Check Meters. In that case, he shall provide security to distribution licensee and shall pay rentals for the Main Meter(s) and Check Meters which shall be maintained by the distribution licensee;
- (8) Main and Check Meter(s) shall have facility to communicate their readings to the State Load Despatch Centre on real time basis.
- (9) The term 'Meter' shall include current transformers, potential transformer, wiring between them, meter box and panel.

17. Communicating facility

- (1) An Open Access customer shall provide for or bear the cost of equipments / channels for communication up to nearest sub area load despatch centre/grid sub-station or State Load Despatch Centre, as the case may be, for communicating meter readings on real time basis.
- (2) An Open Access customer shall set up a round the clock control room with operator and ensure facilities of:
 - (i) Telephone /Mobile with S.T.D.; and
 - (ii) Transmission and receipt of Fax and E-mail. or as otherwise specified by State Transmission Utility.

18. Charges for Open Access**(1) Transmission Charges and Wheeling Charges**

The transmission charges and/or wheeling charges for use of the transmission and /or the distribution system of the transmission licensee and / or the distribution licensee shall be regulated as under:

- (a) Transmission charges and wheeling charges payable by an Open Access customer shall be determined by the Commission as per the appropriate Regulations framed by the Commission.
- (b) Where a dedicated transmission system and/or a distribution system has been constructed for exclusive use of an Open Access customer, the transmission charges and/or wheeling charges for such dedicated system shall be borne entirely by such Open Access customer till such time the surplus capacity is allotted and used for other persons or purposes.
- (c) In case intra-state transmission system and /or distribution system is used by an Open Access customer in addition to inter-State transmission system, transmission charges and / or wheeling charges for use of intra-state transmission system and/or distribution system shall be payable in addition to payment of transmission charges for inter-State transmission.

(2) Surcharge

- (a) In addition to transmission charges and wheeling charges, a customer availing Open Access to the transmission system and/or distribution system shall pay a surcharge. Provided that such surcharge shall not be leviable in case Open Access is provided to a person who has established a captive generating plant for carrying the electricity to the destination of his own use.
- (b) Surcharge shall be determined by the Commission separately in the tariff order applicable for the relevant year. In absence of such determination, the surcharge shall be specified by the Commission on a case to case basis for a specified period based on an application moved before it in this behalf. Provided that the applicant shall pay surcharge as determined as per these Regulations post the expiry of the period specified above.
- (c) The amount of surcharge shall be so calculated as to meet the current level of cross subsidy from that category of consumers and shall be paid to the distribution licensee of area of supply where the consumer availing Open Access is located.
- (d) The surcharge shall be reduced and eliminated in the manner as determined by the Commission in respect to reduction and elimination of cross subsidies in terms and conditions of tariff of transmission/distribution licensees.
- (e) The consumers availing Open Access exclusively on inter-state transmission system shall also pay the same surcharge as determined under these Regulations.

- (f) The consumers availing Open Access through dedicated lines even without involving licensee's transmission and / or distribution system shall be liable to pay same surcharge as determined under these Regulations.

(3) Additional Surcharge

- (a) A consumer availing Open Access and receiving supply of electricity from a person other than the distribution licensee of his area of supply shall pay to the distribution licensee an additional surcharge, in addition to wheeling charges and surcharge, to meet the fixed cost of such distribution licensee arising out of his obligation to supply of electricity as provided under sub-section (4) of Section 42 of the Act;
- (b) The additional surcharge shall become applicable only if it is conclusively demonstrated by the distribution licensee that his obligations on fixed cost commitments have been and continue to be stranded or that there is an unavoidable obligation and incidence to bear fixed costs consequent to such a contract. The distribution licensee shall indicate the quantum of such stranded costs and the period over which they would be stranded.
- (c) The distributors licensee whose consumer intends to avail Open Access shall submit to the Commission within 15 days of receipt of application, a detailed calculation statement of fixed cost which the licensee is incurring towards his obligation of supply.
- (d) The Commission thereafter, shall scrutinize the statement of calculation of fixed cost and obtain objection, if any, from the Open Access customer and determine the amount of additional surcharge. The additional surcharge shall be determined by the Commission on a case-to-case basis.
- (e) The consumers availing Open Access exclusively on inter-state transmission system shall also pay the additional surcharge as determined under these Regulations.
- (f) The consumers availing Open Access through dedicated lines even without involving licensee's transmission and / or distribution system shall be liable to pay same additional surcharge as determined under these Regulations.

19. Scheduling and System Operation Charges

- (1) The scheduling and system operation charges payable to State Load Dispatch Centre by long-term as well as short term Open Access customers shall be as determined by the Commission under Section 32 of the Act by Regulation;
- (2) The scheduling and system operation charges payable to the State Load Dispatch Centre in accordance with clause (1) above shall be in addition to the fees and charges approved by the Commission for payment to State Load Dispatch Centre.

20. Unscheduled Interchange (UI) Pricing

The payment for mismatch between the schedule and the actual drawal shall be governed by the pricing mechanism as specified under Availability Based Tariff.

21. Reactive Energy Charges

Reactive Energy Charges shall be paid by the Open access customers who draw reactive power from the grid as may be determined by the Commission from time to time.

22. Energy Losses

The energy loss for the intra-state system shall be determined by the Commission and shall be apportioned in proportion to the actual energy drawal by the Open Access customers. The energy loss shall be compensated by additional injection at the injection point(s).

23. Payment Condition

- (1) As a payment security towards Open Access charges, a deposit equal to 2 months of the average billing of that charge only on the basis of agreed capacity shall be maintained with each of the relevant agency namely State Transmission Utility, any other transmission licensee, distribution licensee and State Load Despatch Centre.

For Open Access for a period less than 3 months, payment security shall be maintained at the actual amount of transmission, wheeling, surcharge, additional surcharge and State Load Despatch Centre charges as the case may be.

- (2) Such security could be in the form of cash deposit, letter of credit etc.

24. Other Conditions

- (1) The Open Access customers shall abide by the Indian Electricity Grid Code, the State Grid Code and instructions given by State Transmission Utility, the State Load Despatch Centre and other authorities from time to time.
- (2) The Open Access customer shall abide by the provisions of the Act, rules and regulations and the directions, guidelines and orders of the Commission made from time to time.

25. Collection and Disbursement of Charges

- (1) The transmission charges and wheeling charges in respect of Open Access customers shall be payable directly to respective licensees;
- (2) The surcharge and additional surcharge shall be payable directly to the distribution licensee in whose area of supply the consumer availing Open Access is located;
- (3) The Scheduling and System Operation Charges in respect of Open Access customers shall be paid to the State Load Despatch Centre; and
- (4) The Reactive Energy Charges and Unscheduled Interchange Charges (UI) as determined by State Load Despatch Centre shall be paid to the transmission licensee and/ or distribution licensee in whose area of supply the consumer availing Open Access is located.

26. Information System

- (1) The State Load Despatch Centre shall post the following information on its website in a separate web page titled "Open Access information".
 - (a) A status report on current long-term and short-term Open Access customers indicating: -
 - (i) Name of customer;
 - (ii) Period of the Open Access granted (start date/ time and end date/time);

- (iii) Point(s) of injection;
 - (iv) Point(s) of drawal;
 - (v) Transmission's system / distribution system used;
 - (vi) Open access capacity used.
- (b) Month-wise and year-wise report on the past short-term Open Access customers indicating: -
- (i) Name of customer;
 - (ii) Period of the Open Access granted (start date/time and end date/time);
 - (iii) Point(s) of injection;
 - (iv) Point(s) of drawal;
 - (v) Transmission's system / distribution system used;
 - (vi) Open Access capacity used.
 - (vii) Applicable rates (Rs. per MW per day)
 - (viii) Actual load factor
- (c) Average energy loss in the transmission and distribution system as determined by the Commission in Tariff Order for the applicable year.
- (d) Rate of surcharge payable by the Open Access customers.

NOTE :

- (i) The information shall be updated upon every change in status.
 - (ii) All previous reports shall be available in the web - archives.
- (2) The Commission may seek such additional information and provide such directions, as required, for smooth implementation of Open Access in the State.

27. Dispute Resolution Mechanism

- (1) The complaints regarding all grievances and disputes relating to Open Access shall be made to the State Transmission Utility or State Load Despatch Centre, as the case may be, which may investigate and endeavour to resolve the grievance amicably.
- (2) If State Transmission Utility or State Load Despatch Centre is unable to redress the grievance or complaint or dispute, the matter may be referred to the Commission by the State Transmission Utility or State Load Despatch Centre as the case may be, for adjudication.

28. Savings

- (1) Nothing in these Regulations shall be deemed to limit or otherwise affect the power of the Commission to make such orders as may be necessary to meet the ends of justice.
- (2) Nothing in these Regulations shall bar the Commission from adopting in conformity with provisions of the Act, a procedure which is at variance with any of the provisions of these Regulations, if the Commission, in view of the special circumstances of a matter or a class of matters, deems it just or expedient for deciding such matter or class of matters.
- (3) Nothing in these Regulations shall, expressly or impliedly, bar the Commission dealing with any matter or exercising any power under the Act for which no Regulations have been

framed, and the Commission may deal with such matters, powers and functions in a manner, as it considers just and appropriate.

29. Powers to Remove Difficulties

If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may by general or special order, direct the State Transmission Utility, State Load Despatch Centre, licensees and the Open Access customers, to take such action, as may appear to the Commission to be necessary or expedient for the purpose of removing difficulties.

30. Power to Amend

The Commission may, at any time add, vary, alter, modify or amend any provision of these Regulations.

Sd/-

Secretary
Bihar Electricity Regulatory Commission