

CE/Comm/CP/Open Access/ General/**16410**

Date: **13/06/2012**

COMMERCIAL CIRCULAR NO.: 169

Sub: Grant of Open Access to **Consumers sourcing power from Conventional Generator** (Except for Non Conventional Energy Generator & Captive Power Plants)- Procedure for Application, levy of Cross Subsidy Surcharge, Standby Charges & Additional Charge, Metering & Billing, etc.

Ref: 1. Electricity Act, 2003 & all other enabling provisions.
2. MERC Order dated 9th September 2011 in Case No. 43 of 2010.
3. Commercial Circular No. 146 dated 30.09.2011 & 154 dated 23.01.2012

"This Circular is issued without prejudice to any of the rights & contentions of MSEDCL that have already been raised or will be raised in any of the presently pending or future proceedings before any Court or Authority, as the case may be."

1. PREAMBLE:

- 1.1 Open Access is one of the most important features of the Electricity Act 2003, wherein, Distribution Companies and eligible consumers have the freedom to buy electricity directly from generating companies or Trading Licensees of their choice and correspondingly the generating companies have the freedom to sell it to any Licensee or to any eligible consumer.
- 1.2 As per EA 2003, Open Access may be allowed on payment of Cross Subsidy Surcharge, "Additional Surcharge", "Wheeling Charges", etc. as may be determined by the State Commission. The purpose of Cross Subsidy Surcharge has been clearly spelt out as a charge to be paid by Open Access Consumer to offset, the Cross Subsidy which he would have normally paid to the Distribution Licensee had he continued to be the consumer of the said Distribution Licensee.
- 1.3 MSEDCL had filed a petition on 25.08.2010 (Case No. 43 of 2010) in the Commission for determination of CSS as per the provisions of the EA 2003 and had requested for review of its order dated 05.09.2006. The Commission has disposed of the review Petition but has re-determined the CSS and has also determined the Stand by charges for Open Access consumer in the state of Maharashtra vide its order dated 09th September 2011. In the said order, the Commission has also dealt with the other issues related to Open Access.

2. ELIGIBILITY CRITERION:

- 2.1 As provided under Regulation No. 3.1 of the MERC (Distribution Open Access) Regulations, 2005, every consumer whose Contract Demand is 1 MVA & above shall be eligible for Open Access, subject to compliance of other provisions of the Electricity Act, 2003 as well as the above mentioned Regulations.

- 2.2 As provided under Regulation No. 3.1 the Maximum Demand of such consumer or person in each financial year subsequent to his being granted open access shall be equal to or greater than eighty (80) per cent of the threshold level at which he has become eligible for open access failing which MSEDCL shall be entitled to withdraw the facility of open access granted to such consumer or person, as the case may be.
- 2.3 As provided under Regulation No. 3.1 where the facility of open access of such consumer or person has been withdrawn on account of failure to achieve a Maximum Demand equal to or greater than eighty (80) per cent of the threshold level, then such consumer or person, as the case may be, shall be liable to pay, to MSEDCL, a penalty equal to two times the wheeling charges for the financial year or part thereof for which he had failed to achieve such Maximum Demand.

3. APPLICATION /PROCEDURE FOR OPEN ACCESS:

- 3.1 Any eligible consumer or person as the case may, who so ever may desire to opt Open Access shall apply in prescribed format and shall pay requisite "Processing Fee" as prescribed.
- 3.2 Application Form in prescribed format & duly filled shall be submitted to the Chief Engineer (Commercial), MSEDCL having office at 5th Floor, "Prakashgad", Bandra (East), Mumbai along with certified Xerox copies of the documents as may be required, which will be uploaded on website from time to time.
- 3.3 The provisions of the order of MERC as per ref. no (ii) above shall be applicable/effective from 09th September 2011 to all consumers of all distribution licensees in the State of Maharashtra, who opt for open access, under the MERC (Open Access) Regulations, 2005 as amended from time to time.
- 3.4 The consumer or person, if found eligible for grant of Open Access, shall have to execute Tri-Partite Agreement for Connection & Use of Distribution System.
- 3.5 Distribution Open Access procedure, Standard Application Form & the format of Connection & Use of Distribution System Agreement are available in downloadable form on the website of MSEDCL – www.mahadiscom.in.
- 3.6 The SE (O&M), MSEDCL shall be the nodal officer to implement the permission from the Chief Engineer (Commercial). Every month soft copy of the 15 minutes time block readings (for the generation as well as consumption) shall be sent by email to: seruc.oe@mahadiscom.in by the nodal officer.
- 3.7 In case of non co-operation by the generator or non submission of generation data in 15 minutes time block by relevant authority like SLDC etc, the consumer will be required to pay the monthly bill as per the tariff of MSEDCL without any credit adjustment.

4. METERING:

As provided under Regulation No. 7.1 of the MERC (Distribution Open Access) Regulations, 2005, every consumer, person who so ever has been granted Open Access or Generating Company or Licensee shall have to install "Special Energy Meter" at both the ends, i. e. at injection point & drawal point.

- 4.1 As provided under Regulation 2 (n) of the MERC (Distribution Open Access) Regulations, 2005, such "Special Energy Meter" shall have facility of active energy recording of every fifteen minute time block and storage of data for not less than 45 days and shall have communication facility online and/or real time .
- 4.2 The Open access consumer / generator is required to comply with the MSEDCL metering requirements in totality. The open access may be allowed if at least one SEM is provided at both ends exceptionally on case to case basis.

5. JOINT METER READING:

- 5.1 Open Access Generator and Open Access Consumer both located in the area under MSEDCL's jurisdiction:

The energy meter reading will be taken jointly at both ends by MSEDCL and the generator / consumer every month. The SE (O&M) at the generator end shall be the nodal officer for taking the reading in 15 mins time block and informing the same to the concerned SE (O&M) located at the Open Access Consumer end. The SE (O&M) MSEDCL at the Open Access Consumer end shall be the nodal officer for taking the reading of the HT consumer in 15 mins time block and effecting the credit in 15 mins time block as informed by the SE (O&M) at the generator end in line with the guidelines issued vide this Circular.

- 5.2 Open Access Generator located outside the State of Maharashtra or outside the area of supply of MSEDCL and Open Access Consumer located in the area under MSEDCL's jurisdiction:

When the generator is situated outside the state or outside the area of supply of MSEDCL, the 15 minutes reading as submitted by MSLDC will be considered for energy accounting and billing. It will be the responsibility of the generator to provide hard and soft copy of SLDC certified data in 15 minutes time block downloaded through MRI only. Manual data or data not certified by SLDC will not be accepted under any circumstance and in such event the status will be unplanned outage/ breakdown and will be dealt as per Sr. No. 11.

The SE (O&M) MSEDCL at the Open Access Consumer end shall be the nodal officer for taking the reading of the HT consumer in 15 mins time block and effecting the credit in 15 mins time block as informed by MSLDC in line with the guidelines issued vide this Circular.

6. BILLING:

- 6.1 As provided under Regulation No. 8 of the MERC (Distribution Open Access) Regulations, 2005, MSEDCL shall raise the bill to the Supplier / Open Access consumer whosoever located in the MSEDCL's area of supply and who have opted for Open Access for use of its distribution system for wheeling of electricity. The bill shall include the following charges :

- i) Wheeling Charges / Transmission Charges, as may be applicable;

- ii) Wheeling Losses & Transmission losses
- iii) Cross Subsidy Surcharge, as may be applicable;
- iv) Additional Surcharge on the Charges of Wheeling;
- v) Standby Charges;
- vi) Any other charge or other sum recoverable

6.2 The person / consumer shall be allowed credit of energy at drawal point after deduction of applicable losses from the energy injected in the Grid.

6.3 The generation credit units will be determined after adjustment of applicable loss to the energy injected in the MSEDCL grid and will be adjusted / set off with the consumption in corresponding 15 minutes time block and the bill will be raised for one month accordingly. The credit adjustment will be given to the open access consumer on the basis of measurement / recording of 15 minutes time block as below:

6.4 It is necessary that the consumer / person who so ever has opted for Open Access shall use the entire power contracted with Open Access Generator and ensure that the consumption of the consumer / person in every 15 minutes time block shall match with the energy received at the drawal point during corresponding 15 minutes time blocks.

6.5 Whenever the consumer / person is unable to match every 15 minutes time block consumption with the energy received at the drawal point during corresponding 15 minutes time blocks, then in such situation:

6.5.1 If the net energy received at the drawal point every 15 minutes time block exceeds the net energy actually consumed during the corresponding 15 minutes time block, the excess energy received during the said 15 minutes time block shall be treated as lapsed and the consumer shall neither be permitted banking of such excess energy nor shall be paid for the same, unless there is a separate agreement for sale/purchase of this over injection.

6.5.2 In the reverse situation, if the net energy received at the drawal point every 15 minutes time block is less than the net energy actually consumed during the corresponding 15 minutes time block, the excess energy consumed by the consumer / person during the said 15 minutes time block shall be considered as over-drawal from the Grid and shall be billed at the rate as may be applicable from time to time for the energy charges payable by a consumer obtaining Temporary Power (for other purposes) supply from MSEDCL. Further, in such situation, the consumer / person shall also be liable to pay "Electricity Duty", "Tax on Sale of Electricity", etc. on such excess energy consumed from the Grid.

6.5.3 Partial Open Access:

In case of partial open access consumer where partial demand is met through open access, the consumption shall be charged as below:

Entire generated units corresponding to the generation schedule (which in any case should not be more than the capacity mentioned in open access permission) shall be off set / adjusted against the consumption units.

Balance consumption units, if any, thereafter shall be adjusted against the units permissible as per MSEDCL contract demand.

The units permissible as per MSEDCL contract demand shall be charged as per the tariff applicable to the respective consumer category as per prevalent MERC order from time to time.

The balance consumption units, over and above of generation units plus those permissible as per MSEDCL contract demand, shall be charged at temporary tariff as per applicable Rules and Regulations”.

6.6 Demand Charges:

The Open access consumer shall be billed for the Maximum Demand recorded, at normal tariff as per MERC tariff order to the extent of Contract Demand. If the demand exceeds the contract demand (over and above generation demand to be credited) then in such case penal demand charges shall be applicable as per MERC tariff order issued from time to time.

7. CROSS SUBSIDY SURCHARGE:

In line with the National Tariff Policy, the Commission has adopted the following formula for determination of the CSS:

$$CSS=T-[C(1+L/100) + D]$$

Where; **T** is tariff payable by the relevant category of consumers

C is weighted average cost of power purchase of top 5% at margin excluding liquid fuel based generation and renewable power. Presently, **C** for MSEDCL is RS.4.69/kWh.

D is the wheeling charge & **L** is the % system loss for the applicable voltage level.

Moreover, the Commission has clarified the other issues raised by MSEDCL while determining the CSS order shall be dealt while finalizing Open Access Regulation, 2011. The guidelines for implementation of the said order of the Commission pertaining to MSEDCL Subject to change from time to time as may be determined by the MERC in its orders are as under:

7.1 Applicable CSS for Open Access Consumers of MSEDCL :

a) CSS for HT Consumers :

Consumer Category	EHV Consumers (66kV & above) Rs./Unit	HT Consumers (33kV)	HT Consumers (22/11 kV)
Industry			
Express Feeder	0.92	0.61	0.31
Non-Express Feeder	0.52	0.21	-
Seasonal Industry	2.20	1.89	1.59
Commercial			
Express Feeder			
Educational Institution & Hospitals	3.67	3.37	3.06
Others	3.97	3.66	3.35
Non-Express Feeder			
Educational Institution & Hospitals	3.16	2.85	2.55
Others	3.49	3.18	2.88
Railways	1.12	0.81	0.51
Public Water Works			
Express Feeder	-	-	-

Non-Express Feeder	-	-	-
Agriculture	-	-	-
Bulk Supply			
Residential Complex	-	-	-
Commercial Complex	2.15	1.84	1.54
Others	-	-	-

b) CSS for LT Consumers :

Consumer Category	Applicable CSS (Rs./Unit)
Non-Domestic	
Up to 20 kW	
Institution, Hospitals	
0-200 Units	-
Above 200 Units	1.57
Others	
0-200 Units	-
Above 200 Units	1.68
>20 kW & < 50kW	2.91
Above 50 kW	5.05
Industrial	
Below 20 kW	-
Above 20 kW	0.20
Domestic	
0-100 Units	-
101-300 Units	-
301-500 Units	0.81
500-1000 Units	1.76
Above 1000 Units	1.93
BPL, Agriculture, PWW, Street Lighting	-
Advertisements	11.68
Temporary Others	
Other Purpose	6.29
Religious Purpose	-

Note: Though the Commission has determined different Cross Subsidy Surcharge for different consumers depending upon the category of consumer and the Voltage Level of Power Supply, it shall be noted that the consumer who has been permitted to avail power supply at a voltage level below and above the voltage level prescribed under MERC (SOP) Regulations, shall be considered as deemed consumer on the prescribed voltage level only for the purpose of levy of all the charges mentioned in Section 7.1 of this circular.

8. WHEELING CHARGE & APPLICABLE LOSSES:

The existing charges and losses pertaining to Distribution OA are as under:

Particulars	EHV	33 KV	22 or 11 KV	LT
Wheeling Charge (Rs. Per unit)	0.29	0.04	0.21	0.36
Wheeling Loss (%)	-	6%	9%	14%
Transmission Loss (%)	4.85%	4.85%	4.85%	4.85%

In case of Distribution Open Access, the transmission loss will deducted and transmission charges @ Rs 0.29 per KWh shall be recovered by MSEDCL. The open access consumer shall also have to apply for transmission open access in case either the injection point or drawal point is connected on EHV (Greater than 33 kV) network. In such case transmission charges @ Rs 0.29 per KWh shall be recovered by MSETCL.

9. REDUCTION IN CONTRACT DEMAND:

- 9.1 As provided under Regulation 4.2.1 & 4.2.2 of MERC (Distribution Open Access) Regulations, 2005, the Contract Demand of the consumer who so ever may opt for the Distribution Open Access shall deemed to be reduced to the extent (in MW terms) such consumer has been granted permission to wheel energy under Open Access from the date of commencement of open access.
- 9.2 Such deemed reduction in Contract Demand shall be perpetual till such time the consumer again opts for power supply from MSEDCL.

10. Scheduling:

- 10.1 The Open access generator and the open access consumer connected on EHV level shall have to schedule their power injection as well as drawal on day ahead basis to CE (SLDC) Kalwa under intimation to this office.
- 10.2 The Open access generator and the open access consumer connected at 33 KV level or below shall schedule their power injection and drawal to SE (CP), MSEDCL, Mumbai at Email ID : seruc.oe@mahadiscom.in . In case of non co-operation by the generator or non submission of generation data in 15 minutes time block the consumer will be required to pay the monthly bill as per the tariff of MSEDCL without any credit adjustment.
- 10.3 The demand of Open Access consumer connected at 33 KV level or below will be accounted in MSEDCL's demand. Thus, the transmission charges in this case shall be collected by MSEDCL.

11. Standby Supply Charges For Drawal Of Power By Open Access Consumers From Grid


In case of requirement the Standby supply shall be provided to the Open Access Consumers in lieu of the payment of temporary tariff determined by the Commission in MSEDCL's tariff order equivalent to the energy consumed.

12. Incentives and penalties:

- 12.1 a) Whenever a consumer opts for Distribution Open Access for his entire requirement of load such consumer shall not be eligible for Incentive like Load Factor Incentive, Power Factor Incentive, Early Payment Incentive or any such other incentive applicable as per MERC Tariff Order for MSEDCL consumers, as it ceases to be a MSEDCL consumer.
- b) Whenever a consumer opts for Distribution Open Access for his partial requirement of load, such consumer shall be eligible for incentives, which may be applicable as per MERC Tariff Order for MSEDCL consumer; only to the extent it uses MSEDCL supply.

- 12.2 However, the consumer shall be liable to pay the penalty charges which may be applicable as per MERC tariff order, amended from time to time, if the power factor is not maintained at required level as per State Grid Code.
- 12.3 In case of default in payment of any of the charges otherwise payable by a consumer / person who has been permitted Distribution Open Access, MSEDCL shall have the right to dislocate the arrangement of wheeling of power after giving an intimation of 24 hours to such consumer / person and in such circumstances, MSEDCL shall not be liable to pay any compensation to such consumer or person for the loss that such consumer or person may sustain on any account.
- 13.** This circular supersedes all the previous circulars and permissions issued in respect of open access. The terms and conditions of the previous permission, which are not in line with this circular, shall stand amended in line with the terms and conditions of this circular with immediate effect.
- 14.** The Commercial Circular No. 154 dated 23.01.2012 shall stand cancelled.

All the field officers are requested to take necessary action accordingly.


CHIEF ENGINEER (COMMERCIAL)

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