

PROCEDURE FOR DISTRIBUTION OPEN ACCESS

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1. PREAMBLE:

- 1.1 Maharashtra Electricity Regulatory Commission (MERC) has notified the MERC (Distribution Open Access) Regulations, 2016 on 30th March, 2016. Accordingly the Open Access Procedure is prepared for use of all concerned. The Procedure includes relevant information about application form, the processing fees / charges payable, eligibility to seek open access for open access applicant.
- 1.2 MSEDCL reserves right to review / revise / modify / amend the terms and conditions of this Procedure as and when considered necessary.

2. TYPES OF OPEN ACCESS:

- 2.1 **Long term Open access:** Long term open access (LTOA) means the Open access of Distribution system for a period exceeding 12 years but not exceeding 25 years.
- 2.2 **Medium-term Open access:** Medium term open access (MTOA) means the Open access of Distribution system for a period exceeding 3 months but not exceeding 3 years.
- 2.3 **Short-term Open Access:** Short term open access (STOA) means the Open access of Distribution system for a period not exceeding one (1) month.

- 2.4 **Day-ahead Open Access:**

Day-ahead Open Access of MSEDCL's system shall be permitted, only if surplus capacity is available in MSEDCL's system.

The Medium-term, short-term and day ahead Open Access users shall be eligible and re-eligible to obtain Open Access after expiry of their terms. However, the open access consumer will not be entitled to any overriding preference for renewal of the term.

3. ELIGIBILITY TO SEEK OPEN ACCESS:

- 3.1 The open access may be sought for obtaining supply of electricity from a Generating Company or Captive Power Plant or from a Distribution Licensee other than MSEDCL or from Power Exchange or trader and any combination thereof.
- 3.2 The consumer shall have contract demand of 1 MW and above.

- 3.3 Open Access Consumers may avail Open Access from Multiple Generating Companies.
- 3.4 Installation of Special Energy Meter (SEM) as per the relevant Regulatory Provisions and Specifications issued by the Competent Authority as may be applicable and amended from time to time, at generation end as well as at consumer end shall be the prerequisite to seek open access.
- 3.5 The Maximum Demand (MD) of consumer in each financial year subsequent to his being granted Open Access shall be equal to or greater than seventy (70) percent of the threshold level at which he has become eligible for Open Access. If the consumer fails in achieving MD equal to or greater than seventy (70) percent in three consecutive months, a penalty equal to the two times wheeling charges will be levied for the financial year or part thereof for which he had failed to achieve such MD. Also, in such case, MSEDCL will initiate the process of re-assessment and reduction of contract demand and the Open Access permission will be liable to be cancelled.
- 3.6 Distribution Franchisee shall not be eligible for seeking Open Access. However, individual eligible consumers of MSEDCL in the Distribution Franchisee Area may apply for Open Access subject to compliance of all Regulatory Provisions and requirements of metering and other infrastructure.
- 3.7 The grant of open access to an eligible open access customer will be subject to
 - Settlement of all dues of MSEDCL.
 - In case of dispute between MSEDCL and an eligible Open Access Customer relating to any charge for electricity or some other charge for electricity claimed by MSEDCL from such consumer, then such consumer shall be allowed Open Access, pending disposal of such dispute, only upon deposit of the disputed amount with MSEDCL, in accordance with Section 56 of the Electricity Act, 2003.
 - Compliance & confirmation of all other terms & conditions and obligations on the Open Access consumer by the way of Open Access Regulations or any other provisions/ order of MERC.
- 3.8 Open Access permission will not be granted to the consumers availing single point supply and sub-distributing it further to multiple consumers. e.g. Commercial Malls, IT parks, commercial complexes, software technology parks, multiparty agreements etc.

- 3.9 The mix load consumers i.e. having two different categories of load in the same premises recorded with a common meter and where the bills are issued with the help of sub-meter will be eligible for open access only after sanction & release of separate electricity connection to individual consumer and fulfillment of eligibility criterion **by the individual consumer.**
- 3.10 If the conventional/RE Generator, from whom the consumer is intended to source power supply through open access, has already entered in to a Long Term PPA/EPA with MSEDCL or any other Licensee, **then the consumer will not be eligible to get the permission for Open Access in such case.**

4. REVISION IN CONTRACT DEMAND.

- 4.1 The Consumer seeking LTOA or MTOA may revise his Contract Demand as per the provisions the Electricity Supply Code & MERC (Standard of performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 as amended from time to time:
- 4.2 A consumer availing STOA shall not be eligible to revise his Contract Demand during the tenure of the STOA, but may do so at the time of applying for Open Access.
- 4.3 As per the Supply code provisions the consumer should execute fresh agreement with MSEDCL for such revised load before the second billing cycle.
- 4.4 Revision in Contract Demand shall be applicable to existing Open Access Agreements or contracts.

5. TIMEFRAME FOR SUBMISSION OF ONLINE OPEN ACCESS APPLICATIONS.

- 5.1 The application for open access shall be submitted online within the timeframe as given below. The following time frame shall be applicable only to existing grid connected eligible consumers. In case of augmentation of the distribution system is required, then the time frame as estimated by MSEDCL shall be applicable :

Long Term	The application shall be submitted prior to six months from intended date LTOA.
Medium Term	The application shall be made between three months to twelve months prior to the intended date of availing medium-term Open Access.
Short Term	The application may be made four months prior to month of Short term open access but not later than the tenth day of preceding month.
Day Ahead	Day ahead open access application shall be submitted only one day prior to the date of scheduling till 1200 Hrs.
Contingency Day Ahead.	The Contingency day ahead application shall be submitted only one day prior to the date of scheduling till 1400 Hrs.

6. APPLICATION / PROCEDURE FOR OPEN ACCESS:

- 6.1 An application of open access in the prescribed format shall be submitted online on MAHADISCOM Portal i.e. www.mahadiscom.in. The enclosures as specified below shall be uploaded along with the online application.
- 6.2 The computer generated acknowledgement receipt will be issued online. However, the applicant shall submit additional documents/information as may be required and asked for by MSEDCL. The online applications complete in all respect only shall be considered by MSEDCL.
- 6.3 The open access consumer shall deposit the processing fee (non-refundable) as specified below online through payment gateway provided in the open access application portal.

Processing fees:

Open Access Capacity	Processing Fee per Application
For Load upto 1 MW	Rs. 10,000/-
For load more than 1 MW and upto 5 MW	Rs. 15,000/-
For load more than 5 MW and upto 20 MW	Rs. 30,000/-
For load more than 20 MW	Rs. 50,000/-

Note: The Processing fee shall be revised as per relevant MERC orders issued from time to time.

- 6.4 The fee for contingency day ahead open access applications shall be five times the otherwise application fee as above.
- 6.5 In case of open access consumers availing supply from multiple generators, the consumer shall mention the details of all generators and OA quantum sought in Annexure III along with documents. In case of multiple wind generators, details of each metering point (injection & drawl) shall be submitted along with the documents.
- 6.6 As per DOA Regulations 2016 MSEDCL will be **Nodal Agency** for intra-state open access consumers located in its license area and connected on distribution system subject to consent of all the agencies involved. In such case, the consumer shall also deposit the prescribed processing fees of the other agencies involved as may be applicable with MSEDCL.

7. ENCLOSURES:

The following documents are required to be uploaded online along with the Open Access Application:

- I. Self Certified copy of Power sale/purchase agreement entered between the parties (buyer & seller) stating contracted power, period of drawl, points of injection & drawl, fixed and variable charge or composite charge for power supply etc.
- II. In case of open access through Trader, copy of valid Trading License, the copy of Power Purchase Agreement (PPA) between Open Access Consumer and Trader and PPA between Trader and generator with the detailed information as per point 1 above.
- III. Latest HT Connection Monthly Energy bill (last 3 months) of open access consumer.
- IV. Latest 3 Monthly Generation Credit Notes (GCN) in case applicant is non-firm energy generator.
- V. Confirmation / Letter from MSEDCL Testing Department for installation of SEM & CT/PT with required specifications.
- VI. No Dues Certificate issued by the concerned O & M Circle Office where the eligible Open Access Consumer/ generator is located.
- VII. Consent letter of consumer / applicant for reduction in Contract Demand in case of partial OA consumers.
- VIII. Techno Commercial Report issued by the concerned O & M, Circle Office where the eligible Open Access Consumer / generator is located.

- IX. In case of Open Access is intended through multiple generators, the same shall be mentioned in Annexure III with details of all such generators/suppliers and OA quantum sought from each generator.
- X. Documents related to Renewable Purchase Obligations compliance.
- XI. Open Access Permission/Consent from the concerned Distribution Licensee, in case Open Access Consumer is located in other Licensee area.
- XII. In case of Captive Generating Plant,
- Memorandum of Association and Articles of Association
 - Chartered Accountant's certificate for 100% ownership or equity shareholding with voting rights as per Electricity Rules, 2005.
 - Undertaking on non-judicial stamp paper stating that, more than 51% of the generated power shall be self consumed on annual basis, as mandated in Electricity Rules, 2005
 - Solvency certificate.
- XIII. In case of purchase of power from power exchange:
- Registration/ Membership details,
 - Member – Client Agreement.
- XIV. Copy of prevailing and previous Open Access permission, if any.
- XV. Undertaking of consumer for not scheduling power on the staggering day, if applicable.
- XVI. Security Deposit in the form of L/C or BG.
- XVII. In case of long term open access, Bank Guarantee as per section 9 below. The Hard copy of Bank Guarantee shall be submitted to the Office of the Chief Engineer (Commercial), MSEDCL, 5th Floor, Prakashgad, Mumbai, within 3 working days of online submission.

8. Power Flow:

The medium-term or Short-term Open Access will be granted if the resultant power flow can be accommodated in the Distribution System or the Distribution System under execution.

9. Network congestion:

The decision of MSEDCL in respect of any perceived congestion shall be final and binding.

10. Technical Feasibility:

Subject to the other provisions of Distribution Open Access Regulation 2016 before giving consent for STOA, MSEDCL shall verify the availability of:

- i) Infrastructure necessary for time-block-wise energy metering and accounting in accordance with the provisions of the State Grid Code, and
- ii) Capacity in the Distribution System.

11. PROCESSING TIME:

11.1 The applications complete in all respect as mentioned above, shall be processed as per following time-frame.

Type of Open Access	Inter-state	Intra-state
Day Ahead	All the applications received till 1200 Hrs. on day ahead basis shall be processed simultaneously and consent will be issued on same day.	
Contingency Day Ahead	Such application shall be submitted latest by 1400 Hrs and consent will be issued on same day.	
Short Term	All the applications received till 10 th of the preceding month shall be considered for processing simultaneously.	All the applications received till 10 th of the preceding month shall be considered for processing simultaneously.
	* Provided that, the period specified in Regulations 9,10,11 shall be applicable from the date of submission of an Application which is complete in all respect.	
Medium Term	Within 60 days if system augmentation is not required. If the augmentation of distribution/ transmission system is required, then the consent will be issued within 180 days subject to the condition that, the MTOA shall commence within six months of issuance of such consent.	
Long Term	Within 120 days if system augmentation is not required. If the augmentation of distribution/ transmission system is required, then the consent will be issued within 180 days subject to the condition that, the OA shall commence within six months of issuance of such consent.	

11.2 If the consumer is located in the licensee area of MSEDCL, the consent/approval shall be issued in the name of consumer only irrespective of who has applied for open access (i.e. consumer, trader, generator or supplier).

- 11.3 MSEDCL shall act as nodal agency for the intra-state partial open access consumers located in its licensee area and shall co-ordinate with other distribution licensees, SLDC, STU for obtaining their consent for transaction. However in case of interstate transactions, the MSEDCL will issue consent in regard to use of MAHADISCOM's distribution system only. The applicant shall carry out the further formalities such as coordination with SLDC / STU / RLDC / Power exchanges etc. as applicable for arranging inter-state open access.
- 11.4 In case of inter-state transactions, the consumer shall submit the necessary permissions received from SLDC / STU / RLDC / Power exchanges before effective date of commencement open access for billing purpose.

(Note: As per DOA Regulations 2016 MSEDCL will act as nodal agency for intra-state open access transactions only after all the agencies involved are ready for same. Till such time MSEDCL will only issue consent for use of its distribution system and the applicant shall carry out the further formalities.)

12. CONNECTION AND USE OF DISTRIBUTION SYSTEM AGREEMENT.

12.1 The consumer, if found eligible for grant of Medium term / Long Term Open Access, shall execute Tri-Partite Agreement for Connection & Use of Distribution System. The tripartite agreement shall be executed among:

- i. Open Access Consumer
- ii. MSEDCL
- iii. Generator/ Licensee.

A notice will be given by MSEDCL for signing of the 'Connection and Use of Distribution System Agreement ---

- (a) Confirming completion of all works and fulfillment of all requirements under the Act and the Regulations for grant of Open Access.
- (b) Intimating the date and time of the final meter reading of the consumer's premises, if applicable; and
- (c) Intimating the date and time of termination of the agreement of supply, if applicable, and commencement of the Connection and Use of Distribution System Agreement:

The Open Access Customer shall initiate the process of signing of Connection and Use of Distribution system within 30 days of grant of Open Access, failing which Open Access permission will be liable for termination.

12.2 No agreement is necessary to be executed in case of short term / day ahead

open access.

13. COMMENCEMENT OF OPEN ACCESS:

- 13.1 The open access will be deemed to have been commenced from the open access period mentioned in the open access permission / **consent issued by MSEDCL irrespective of the date of application.**
- 13.2 Irrespective of which date the consumer schedules power (in case of firm source) / provide GCN (in case of non-firm source), open access shall commence from the effective date as per 13.1 above.
- 13.3 In case of inter-state transactions if the consumer / supplier is unable to schedule the power for whatsoever reason, then it shall be the responsibility of consumer to approach MSEDCL with a written request to cancel the permission / consent issued by MSEDCL, in order to avoid commercial implications if any. **In case of drawl by the Open Access consumer from the grid due to any reason whatsoever, the charges will be levied as per the relevant provisions of Open Access Regulations i.e. clause No.19.2.**

The SE (O&M), MSEDCL shall be the nodal officer to implement the open access permission issued by the Chief Engineer (Commercial).

14. ENERGY ACCOUNTING, SCHEDULING & OPERATIONAL COORDINATION, COMMERCIAL SETTLEMENT:

- 14.1 Open Access Energy Accounting will be carried out on 15 min time slot basis in accordance with MERC (Distribution Open Access) Regulations 2016.
- 14.2 Consumer shall submit to MAHADISCOM, the contact details, Phone/ Mobile number, Fax number email address etc. of the Coordinator appointed by him for scheduling & operational coordination and shall keep MAHADISCOM updated in case of any changes in the same.
- 14.3 Contact details of MAHADISCOM for Scheduling purposes:

Open Access Cell, Contact no – 022 – 26474211 (2403)

E-MAIL: cecomm@mahadiscom.in / doa.msedcl@gmail.com

15. Scheduling of Power :

- 15.1 The scheduling of Inter-State Open Access transmission shall be in accordance with the provisions of the Indian Electricity Grid Code.
- 15.2 Inter-state Open Access transmissions shall be scheduled by MSLDC in accordance with the provisions of the state Grid Code.

- 15.3 From the Effective Date of the open access (as per para 10 above), Consumer shall provide the schedule of power on day ahead basis before 10 am of the preceding day.
- 15.4 In case generator of the Consumer is a State Pool Participant: The Credit of energy based on the implemented 15 min. schedules finalized by MSLDC will be provided to the consumer in the monthly billing.
- 15.5 In case generator is not a State Pool Participant: The Generator shall submit its 15 minute time block wise schedule to MSEDCL. The credit of energy will be based on actual scheduling provided by the Generator.
- 15.6 In case of Non-Firm power from Renewable Energy Generating Plants shall be exempted from scheduling till such time as the Commission decides.

16. UNDER / NON UTILISATION OF SHORT TERM OPEN ACCESS

- 16.1 Even if the consumer, generating company or licensee as the case may be is unable to utilize for more than four hours the full or part of its allotted capacity then it shall be liable to pay the transmission & wheeling charges applicable to original reserved capacity.
- 16.2 MSEDCL may reduce or cancel the capacity allocated, to the extent it is underutilized after giving notice to the affected parties;
 - (a) When such capacity is underutilized for more than 3 days or
 - (b) When the Consumer, Generating Company or licensee as the case may be, fails to inform MSEDCL of its inability to utilize the allocated capacity.

17. SECURITY DEPOSITS AND LETTER OF CREDIT

- 17.1 Consumer shall deposit with MSEDCL Security equivalent to one Month's Wheeling Charges, Cross-Subsidy Surcharge and Additional Surcharge based on estimated open access usage.
- 17.2. In case of existing Consumers opting for open access, MSEDCL shall estimate the additional Security, if any, required in view of above charges vis-à-vis the Security Deposit already held with MSEDCL towards its consumption charges and any additional demand shall be raised or credit provided, as the case may be, on a yearly basis, in accordance with the Regulation 14.9 of the Regulations.
- 17.3 In case of a new Consumer opting for open access along with connectivity for the first time, MSEDCL shall estimate security deposit based on anticipated use of the Distribution System of MSEDCL and estimated charges for balance consumption, if any, from MSEDCL (in case of partial open access) and raise the demand accordingly.

17.4 Security Deposit can be made in the form of cash, Irrevocable Letter of Credit (L/C) or unconditional Bank Guarantee (BG). L/C or BG shall be given as per format provided in **Annexure – IV / V**. Cash deposit shall be entitled to earn interest at Bank Rate and interest will be credited to Consumer account as per prevailing practice.

17.5 In case of Long-Term and Medium-Term Open Access:

Consumer shall open an Irrevocable Letter of Credit (L/C) in favour of MSEDCL for the estimated amount of Transmission and SLDC charges for period of two months. L/C shall be provided in the format given in **Annexure – V**. This amount shall be communicated by MSEDCL to the Consumer after issuance of Consent and the Consumer shall provide the L/C within a period of one (1) month from the Effective Date of Open Access.

18. SUBMISSION OF BANK GUARANTEE ALONG WITH OPEN ACCESS APPLICATION

For Long term open access the application shall be accompanied by a bank guarantee in favour of the nodal agency for the following amounts, or such other amounts as may be stipulated by the Commission.

Sr. No.	Application Type	BG amount per MW of OA
01	All except renewable energy based transactions	Rs. 10,000/- (Rupees Ten Thousand)
02	Renewable energy based transactions	Rs. 5,000/- (Rupees Five Thousand)

The other terms and condition regarding bank guarantee shall be as per MERC (Distribution Open Access) Regulations, 2016.

19. APPLICABLE CHARGES:

19.1 The bill will be raised on the Open Access Generator / Open Access consumer whosoever is located in the MSEDCL's area of supply.

The bill will include the following charges:

- i) Wheeling Charges / Transmission Charges, as may be applicable;
- ii) Cross Subsidy Surcharge, as may be applicable;
- iii) Additional Surcharge on the Charges of Wheeling;
- iv) Standby Charges;
- v) Voltage Surcharge, as may be applicable;
- vi) Operating Charges
- vii) Charges in case of drawl from the grid.
- viii) Any other charge or other sum recoverable.

All the above charges will be applicable as per relevant MERC orders issued from time to time.

In case of partial open access, the energy used from MSEDCL will be billed as per relevant MERC tariff order issued from time to time.

In case of all partial open access consumers/non state pool participants the transmission charges shall be collected by the MAHADISCOM.

19.2 The Open Access consumer shall bear the approved wheeling losses of the Distribution System as may be determined by the commission from time to time.

19.3 The existing charges and losses pertaining to Open Access are as under:

19.3.1 Transmission charges:-

Voltage level of drawl point	FY	Power Transaction Types	
		Medium Term/long term (Rs/KW/Month)	Short Term/ Short term collective & Renewable energy (Rs/KWh)
EHV/66 KV and above	16-17	204.24	0.28
	17-18	239.88	0.32
	18-19	253.82	0.34
	19-20	242.08	0.32

19.3.2 Wheeling Charges & applicable losses:-

Particulars/ Voltage Level	EHV	33 kV	22/11 kV
Wheeling Charge (Rs. Per unit)	-	0.15	0.83
Wheeling Loss (%)	-	6 %	9 %
Transmission Loss (%)	3.92%	3.92%	3.92%

The above charges and losses are subject to change in line with MERC order from time to time.

19.3.3 Cross Subsidy Surcharge:

The Present CSS determined by MERC in case no. 121 of 14 dated 26.06.15 are:

HT I (A): HT - Industry (Express Feeder)	Rs. 1.49/unit
HT I (B): HT - Industry (Non-Express Feeder)	Rs. 1.09/unit.

The cross subsidy surcharge shall be applicable as per the order of the MERC issued from time to time.

19.3.4 Additional Surcharge on wheeling:

The Additional Surcharge on wheeling shall be applicable as per the order of the MERC issued from time to time.

20. Default of Payment:

In the event of default in payment of any charge or sum of money payable under DOA Regulations, 2016 MSEDCL shall discontinue Open Access with prospective/retrospective effect

21. Payment Security Mechanism:

The Applicant for Long-Term or Medium-Term Open Access shall open an Irrevocable revolving Letter of Credit in favour of MSEDCL to the extent of the estimated amount of the various charges payable for a period of two months.

22. Installation of Remote Terminal Units:

All Full Open Consumers and Generating Stations connected to the Transmission System shall install, at their cost, Remote Terminal Units (RTU)-DC, in accordance with specifications provided by the STU.

Provided that the installed RTU-DCs shall be available for inspection by the Distribution Licensee or the MSLDC at any time.

23. General:

Words and expressions used herein and not defined in this procedure but defined in the Distribution Open Access Regulations, 2016 or in the Act or Indian Electricity Grid Code or the Electricity Supply Code or the Rules and other Regulations made under the Act, as the case may be, shall have the meaning assigned to them therein.

24. Force Majeure:

Notwithstanding anything to the contrary in the DOA Regulations, 2016 MSEDCL shall not be liable for any loss or obligations due to the occurrence of Force Majeure events as stipulated in Regulation 33.1.

25. Trading Licensees:

The Electricity traders applying for Open Access shall be governed by relevant Open Access Regulations.