

No. MPERC-2023-497

Bhopal, the 9<sup>th</sup> March 2023

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 it in this behalf, and after previous publication, the Madhya Pradesh State Electricity Regulatory Commission hereby makes the following Regulations, namely-

**MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION  
(METHODOLOGY FOR DETERMINATION OF OPEN ACCESS CHARGES AND  
BANKING CHARGES FOR GREEN ENERGY OPEN ACCESS  
CONSUMERS REGULATIONS, 2023 (G-46 of 2023)**

**CHAPTER 1**

**1. Short Title and Commencement-**

- 1.1. These Regulations shall be called Madhya Pradesh Electricity Regulatory Commission (Methodology for determination of Open Access charges and Banking charges for Green Energy Open Access consumers) Regulations 2023 (G-46 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. 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 injected in the grid and credited with the Distribution Licensee by the Green Energy Open Access consumers and which can be drawn along with charges to compensate additional cost, if any;
  - (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 Act;
  - (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 Madhya Pradesh Electricity Regulatory Commission constituted under the Act;
  - (g) **'Day Ahead Market (DAM)'** means a market where Day Ahead Contracts are transacted on the Power Exchange(s);
  - (h) **'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;
  - (i) **'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 as per provision of clause G of sub-rule (2) of rule 4 of Green Energy Open Access Rules, 2022;

- (j) **‘Green Energy Open Access Consumer’** means any person who has contracted demand or sanctioned load of 100 kW or more or such other limit as may be specified by Commission from time to time with the Distribution Licensee, 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;
- (k) **‘Rules 2022’** means the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 and subsequent amendments;
- (l) **‘Renewable Energy Sources’** means the hydro, wind, solar, biomass, biofuel, biogas, bagasse, waste including municipal and solid waste, geothermal, tidal, forms of oceanic energy, or combination thereof, with or without storage and such other sources as may be notified by the Central Government from time to time; and
- (m) **‘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.

- (2) Words and expressions used and not defined in these Regulations but defined

in the Act, Indian Electricity Grid Code (IEGC), Madhya Pradesh Electricity Grid Code (MPEGC) or any other Regulation of the Appropriate Commission shall have the meaning assigned to them under the Act or the IEGC or the MPEGC or any other Regulation of the Appropriate Commission as the case may be.

#### **4. Scope**

These regulations shall be applicable for allowing Open Access to electricity generated from renewable energy sources as defined under Clause (1) of Regulation 2 of these Regulations.

### **CHAPTER 2**

### **GREEN ENERGY OPEN ACCESS CHARGES**

#### **5. Charges for Green Energy Open Access**

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

- 1.1. Transmission charges;
- 1.2. Wheeling charges;
- 1.3. Cross subsidy Surcharge;
- 1.4. Additional surcharge;
- 1.5. Standby charges wherever applicable;
- 1.6. Banking Charge; wherever applicable; and
- 1.7. Applicable Scheduling Fees/Charges of SLDC/RLDC and Deviation charges as per the relevant regulations of the Appropriate Commission.

#### **6. Transmission Charges**

- a) **For use of inter-State transmission system:** Charges shall be levied on Green Energy Open Access Consumers as determined 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 MYT 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 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 transmission charges, Intra-State transmission loss shall be applicable to consumers seeking Green Energy Open Access as may be determined and notified by State Load Despatch Center, Madhya Pradesh from time to time in accordance with applicable Regulations.

**7. 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 Consumer:

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 generators are being utilized for supply to the Open Access Customer:

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

- 8. 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 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 the cross-subsidy surcharge shall not be applicable if green energy drawn through green energy open access is utilised for production of green hydrogen and green ammonia.

Provided further 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 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 average cost of supply.

**9. 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 Consumer, 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 utilised 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 Consumer from offshore wind projects which are commissioned up to December 2025.

**10. Standby Facility and Charges-** Standby facility shall be granted to Green Energy Open Access Consumer on payment of standby charges as determined by the Commission in its Retail Supply Tariff order from time to time:

Provided that 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 green 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:

Provided further that the standby charges for Green Energy Open Access shall not be more than twenty-five per cent of the tariff applicable to that consumer category:

Provided also that the standby charges shall be in addition to the applicable tariff on standby energy supplied by the Distribution Licensee to the Green Energy Open Access Consumer:

Provided also 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 Day Ahead Market (DAM) on 'D-1' day, 'D' being the day of delivery of power, for standby arrangement to the Distribution Licensee.

### **11. Banking Facility and Charges**

- a) Banking facility shall be provided to the consumers availing Green Energy Open Access. The surplus energy of a green energy open access consumer, from a 'Green Energy' Generating Station, after consumption in its premises, may be banked with the Distribution Licensee.
- b) The drawl of banked energy by the Green Energy Open Access Consumer shall be subject to scheduling.
- c) The injection of energy from 'Green Energy' Generating Station to the grid shall also be subject to scheduling subject to the limits specified in MPERC (Forecasting, Scheduling, Deviation settlement Mechanism and related matters of wind and Solar generating stations) Regulations, 2018 as amended from time to time.
- d) The Banking Charges shall be adjusted in each month in kind @ 8% of the total energy banked.
- e) The permitted quantum of banked energy in each month by the Green Energy Open Access consumers shall be at least thirty percent of the total monthly consumption of electricity from the Distribution Licensee by the Green Energy Open Access consumers.
- f) Banking shall be permitted at least 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 off-peak period and peak period determined by the Commission in its Retail Supply Tariff order from time to time:

Provided further that, the energy banked during peak period shall be permitted to be drawn during peak as well as off-peak period in 15 minutes time block and the energy banked during off-peak period shall be permitted to be drawn only during off-peak period in 15 minutes time block by paying the banking charges:

Provided also that the Licensee shall reconcile the banking charges recovered as mentioned in clause 10 (d) 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.

- g) The un-utilised 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 the extent of the lapsed banked energy.

## **12. Scheduling Fees and Deviation 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 Appropriate Commission:

- a) Applicable SLDC/RLDC fees and charges including scheduling charges
- b) RE Deviation Settlement Charges (RE-DSM)

## **CHAPTER 3 MISCELLANEOUS**

### **13. Power to give directions.**

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

**14. 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.

**15. Power to amend.**

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

**16. 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.

By order of the Commission,  
UMAKANTA PANDA, Secy.