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ODISHA ELECTRICITY REGULATORY COMMISSION
BIDYUT NIYAMAK BHAWAN
PLOT NO 4, CHUNOKOLI, SHAILASHREE VIHAR,
BHUBANESWAR - 751021

NOTIFICATION

The 27th December, 2023

No. DIR (T)-419/2023/1907 - 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 Odisha State Electricity Regulatory Commission hereby makes the following Regulations, namely:

CHAPTER 1

PRELIMINARY

1. Short Title, Extent and Commencement

- a) These regulations shall be called the Odisha Electricity Regulatory Commission (Promotion of Renewable Energy through Green Energy Open Access) Regulations, 2023.
- b) These Regulations will come into force from the date of their notification in the Official Gazette.
- c) These Regulations shall extend to the whole of the State of Odisha.
- d) These Regulations shall be applicable exclusively for availing Green Energy through open access for consumers within the State notwithstanding anything mentioned in OERC (Terms and Conditions of Intra-State Open Access) Regulations, 2020 as amended from time to time.

2. Objective

The objective of these regulations is to Promote Green Energy through Open Access, allowing Banking of the same and also to promote production of Green Hydrogen or Green Ammonia or their derivatives.

3. Definitions

(1) In these regulations, unless the context otherwise requires,

- a) **"Act"** means the Electricity Act, 2003 (36 of 2003);
- b) **"Banking"** means surplus Green Energy of a Green Energy Generator / consumer injected into the grid and is credited with Distribution Licensee (s) /GRIDCO and shall be drawn later with banking charge as per this regulation by Green Energy Open Access consumer.
- c) **"Banking Charge"** means charges levied upon the Green Energy Generator/Green Energy Open Access Consumer and paid to DISCOM/GRIDCO for availing banking facility as determined by the Commission under this Regulations.
- 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 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 Odisha 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) **"Entity"** means any consumer who has contracted demand or sanctioned load of one hundred (100) kW or more either through single connection or through multiple connections aggregating to Hundred (100) kW or more located in the same operating area of distribution licensee, except for captive consumer;

Provided that in case of Captive Consumer there shall not be any load limitation;

- i) **"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;
- j) **"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 (GH) or Green Ammonia (GA) or their derivatives;

- k) **“Green Hydrogen (GH) / Green Ammonia (GA)”** means Hydrogen / Ammonia produced by using Renewable Energy (RE), including, but not limited to, production through electrolysis or conversion of biomass:

Provided that Renewable Energy also includes such electricity generated from Renewable sources which is stored in an energy storage system or banked with the grid in accordance with applicable regulations;

Provided that GH or GA or their derivatives can be manufactured by a developer by using RE from a co-located RE plant or sourced from a remotely located RE plant, whether set up by the same developer, or a third party or procured RE from Power Exchange;

Whereas, for Green Hydrogen produced through electrolysis: The non-biogenic greenhouse gas emission arising from water treatment, electrolysis, gas purification and drying and compression of hydrogen shall not be greater than 2 kilogram of carbon dioxide equivalent per kilogram of hydrogen (kg CO₂ eq/kg hydrogen) taken as an average over last 12-month period;

Whereas, for Green Hydrogen produced through conversion of biomass: The non-biogenic greenhouse gas emission arising from biomass processing, heat/steam generation, conversion of biomass to hydrogen, gas purification and drying and compression of hydrogen shall not be greater than 2 kilogram of carbon dioxide equivalent per kilogram of hydrogen (kg CO₂ eq/kg hydrogen) taken as an average over last 12-month period;

- l) **“Green Open Access Consumer”** means any person (located in the operating area of a distribution licensee), who has contracted demand or sanctioned load of one hundred (100) kW or more either through single connection or through multiple connections aggregating to Hundred (100) kW or more or such other limit as may be specified by Commission from time to time by an Order, except for captive consumers and 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 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 green energy with the works of a licensee, the Government or such person, as the case may be;

- m) **“GRIDCO”** means the State designated entity responsible for power purchase & bulk supply of electricity to distribution licensee and acts as demand aggregator & State Nodal agency responsible for implementation of Odisha Renewable Energy Policy-2022.
- n) **“Long-term access (LTA)”** means the right to use the intra-State transmission system or distribution system for a period exceeding twelve (12) years but not exceeding twenty-five (25) years as per OERC (Terms and Conditions of Intra-State Open Access) Regulations, 2020 as amended from time to time;
- o) **“Medium-term open access (MTOA)”** means the open access for a period exceeding three (3) months but not exceeding three (3) years as per OERC (Terms and Conditions of Intra-State Open Access) Regulations, 2020 as amended from time to time;
- p) **“Obligated Entity”** means entities mandated under Clause (e) of sub-section (1) of Section 86 of the Act to fulfil Renewable Purchase Obligation, which includes distribution licensee, GRIDCO, Captive user and open access consumer;
- q) **“Rules”** means the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 and subsequent amendments;
- r) **“SERC”** means the State Electricity Regulatory Commission;
- s) **“Short-term open access (STOA)”** means open access for a period up to one (1) month at a time as per OERC (Terms and Conditions of Intra-State Open Access) Regulations, 2020 as amended from time to time;
- t) **“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;
- u) **“State Nodal Agency”** means the State Load Despatch Centre (SLDC) of Odisha for

grant of green energy Intra-State open access for Short Term Open Access (STOA) and the State Transmission Utility (STU) for grant of Green Energy Intra-State Open Access for Medium Term Open Access (MTOA) and Long Term Access (LTA);

v) **“State Transmission Utility (STU)”** means the Odisha Power Transmission Corporation Limited or any such utility declared by State Government;

(2) Words and expressions used and not defined in these regulations but defined in the Act or IEGC, OERC (Terms and Conditions of Intra-State Open Access) Regulations, 2020 or any other regulation of the Appropriate Commission shall have the meaning assigned to them under the Act or the IEGC or the State Grid Code or any other regulation of the Commission as the case may be.

4. Applicability

These regulations shall be applicable for generation, purchase and consumption of Green Energy as defined under Regulation 3(j) including the energy from non-fossil fuel-based Waste-to-Energy plant.

5. Purchase Obligation from Renewable Sources:

There shall be a uniform renewable purchase obligation, on all obligated entities in the area of supply / operation of a distribution licensee. Any entity, whether obligated or not, may elect to generate, purchase and consume renewable energy as per their requirements by one or more of the following methods:-

(1) Own Generation from renewable energy sources:

There shall not be any capacity limit for installation of any renewable energy source-based power plant by the entity for his own consumption and such plant may be set up at any location in India and power shall be transmitted over Inter State Transmission system (ISTS) or Intra State Transmission System (InSTS) or both using Open Access:

Provided that the generating plant may be set up by the entity itself or by a developer with which the entity has entered into a Power Purchase Agreement (PPA).

(2) By procuring Renewable Energy through Open Access from any Developer directly or through a trading licensee or through power market(s).

Explanation: