

**HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION,
SHIMLA**

NOTIFICATION

No. HPERC/ED(T)/D(TE)/GEOA/38.

Date: 17.12.2024.

The Himachal Pradesh Electricity Regulatory Commission, in exercise of the powers conferred by section 181 read with sections 39, 40, 42, 61 and 86 of the Electricity Act, 2003 (36 of 2003), and all other powers enabling it in this behalf and after previous publication, hereby makes the following Regulations, namely:-

- 1. Short Title, Commencement, Extent and Application.**-(1) These Regulations may be called “the Himachal Pradesh Electricity Regulatory Commission (Terms and Conditions for Green Energy Open Access and Banking) Regulations, 2024”.

(2) These Regulations shall come into force on such date as the Commission may notify.

(3) These Regulations shall extend to whole of the State of the Himachal Pradesh.

(4) These Regulations shall be applicable for allowing connectivity and Open Access to electricity generated from the Green/Renewable Energy Sources, as defined under clause (m) of Regulation 2 of these Regulations (including the energy generated from non-fossil based waste to energy plant) for use of Intra-State Transmission System (InSTS) or distribution system of licensee(s) in the State or both, including when such Intra-State Transmission and/or distribution system(s), is used in conjunction with the Inter-State Transmission system:

Provided that a generator (including a captive generator), consumer or a trader shall not be eligible to apply for long term, medium term or short term open access unless it has the connectivity to the Intra State transmission or distribution system, as the case may be:

Provided further that a person may apply for connectivity as well as long term, medium term or short term open access simultaneously:

Provided further that other conditions of grant of connectivity and open access in respect of green energy generation, purchase and consumption to which no express provision has been made in these Regulations, shall be in accordance with the provisions of the Himachal Pradesh Electricity Regulatory Commission (Deviation Settlement Mechanism and Related Matters) Regulations, 2024, Himachal Pradesh Electricity Regulatory Commission (Grant of connectivity, Long Term, Medium Term and Short Term Open access and Related Matters) Regulations, 2010, Himachal Pradesh Electricity Regulatory Commission (Promotion of Generation from the Renewable Energy Sources and Terms and Conditions for Tariff Determination) Regulations, 2017, Himachal Pradesh Electricity Regulatory Commission (Renewable Power Purchase Obligation and its Compliance) Regulations, 2010, Himachal Pradesh Electricity Regulatory Commission (Cross Subsidy Surcharge, Additional Surcharge & Phasing of Cross Subsidy) Regulations, 2006 and Himachal Pradesh Electricity Regulatory Commission (Terms & Conditions for determination of Wheeling Tariff and Retail Supply Tariff) Regulations, 2011, as amended from time to time.

- 2. Definitions.**-(1) In these Regulations, unless the context otherwise requires —

(a) “**Act**” means the Electricity Act, 2003 (36 of 2003);

(b) “**Applicant**” means a Consumer, Trading Licensee, Distribution Licensee Or A Generating Company who has applied for seeking Green Energy Open Access, as the

case may be;

(c) “**Banking**” means the surplus green energy scheduled and injected in the grid and credited with the distribution licensee energy by the Green Energy Open Access consumers and that shall be drawn alongwith charges to compensate additional costs; if any;

(d) “**Central Nodal Agency**” means the Central Nodal Agency as notified by the Central Government under rule 6 of the Rules;

(e) “**Commission**” means the Himachal Pradesh Electricity Regulatory Commission constituted under sub-section (1) of section 82 of the Act;

(f) “**Day Ahead Market (DAM)**” means a market where Day Ahead Contracts are transacted on the Power Exchange(s);

(g) “**Developer**” means the Generating Company who generate electrical energy from renewable sources of energy;

(h) “**DSM Regulations**” means HPERC (Deviation Settlement Mechanism and Related Matters) Regulations, 2024 and as amended;

(i) “**entity**” means any consumer who has contracted demand or sanctioned load of Hundred kW or more either through single connection or through multiple connections aggregating Hundred kW or more located in the same Electricity Division of a Distribution Licensee, except for captive consumers; and, intends to avail Green energy Open Access:

Provided that in case of captive consumers, there shall not be any load limitation:

Provided further that the entity, may be with or without the supply arrangement with the Distribution Licensee;

(j) “**existing Green Energy Open Access Consumer/Customer**” means a person already availing Green Energy Open Access for sourcing/supplying renewable (green) energy from/to the transmission system and/or distribution system of the licensees in the State under an existing agreement or Commission’s Regulations/ Orders on the date of coming into force of these Regulations;

(k) “**Forum of Regulators**” means the Forum as referred to in sub-section (2) of section 166 of the Act;

(l) “**fossil fuel**” means and includes fuels such as coal, lignite, gas, liquid fuel or a combination of these as its primary source of energy, which are used in thermal generating stations for generating electricity;

(m) “**Green Energy**” means the electrical energy generated/produced from renewable sources of energy including hydro and storage (if the storage uses renewable energy), wind, solar, including its integration with combined cycle, bio-mass, bio-fuel cogeneration (including bagasse-based cogeneration), urban or municipal waste including Municipal Solid Waste (MSW) based power projects and Refuse Derived Fuel (RDF) based power projects or any other technology as may be notified by the Government of India, from time to time, and shall also include any mechanism that utilizes green energy to replace fossil fuels including production of green hydrogen or green ammonia or any other sources as may be, determined by the Central Government;

(n) “**Green Energy Open Access (GEOA)**” means the non-discriminatory provision for use of transmission lines or distribution system or associated facilities with such lines or system by any licensee or consumer or a person engaged in generation in accordance with these Regulations;

(o) **“Green Energy Open Access Consumer”** means a consumer who has contracted demand or sanctioned load of 100kW or more either through single connection or through multiple connections aggregating 100kW or more located in same Electricity Division of the Distribution Licensee and is eligible to take power through Green Energy Open Access and there shall be no limit of supply of power for captive consumers taking power under Green Energy Open Access;

(p) **“GOAR Portal”** means the Green Energy Open Access Registry Portal, which is a centralized portal to register and apply for the Green Energy Open Access; and, operated and maintained by the Central Nodal Agency;

(q) **“Obligated Entity”** means the entities mandated under clause (e) of sub-section (1) of section 86 of the Act to fulfill the Renewable Purchase Obligation, which includes Distribution Licensee, captive consumer/user and open access consumer;

(r) **“Rules”** means the Electricity (Promoting Renewable Energy through Green Energy Open Access) Rules, 2022;

(s) **“State Load Despatch Centre”** means the State Load Despatch Centre established under sub-section (1) of section 31 of the Act;

(t) **“standby charges”** means the charges applicable against the standby arrangement provided by the Distribution Licensee to the Green Energy Open Access Consumers of the area of its supply, 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 assets and the like;

(u) **“State Grid Code”** means the State Grid Code specified by the Commission for the State of Himachal Pradesh under clause (h) of sub-section (1) of section 86 of the Act;

(v) **“State Transmission Utility”** means the Board or the Government Company specified as such by the State Government under sub-section (1) of section 39 of the Act;

(w) **“State Nodal Agency/(s)”** means the Nodal Agency/(s) notified under Regulation 3 of these Regulations for grant of Green Energy Open Access; and,

(x) **“Trading Licensee”** means a person who has been granted a licence by the Commission for purchase of electricity for resale thereof.

(2) The words and expressions used herein and not defined in these Regulations but defined in the Act or State Grid Code or any other Regulations of the Commission shall have the meanings respectively assigned to them in the Act or State Grid Code or any other Regulations of the Commission, as the case may be. In case of any inconsistency in words and expressions, the provisions of the Act shall prevail.

3. State Nodal Agency.- (1) The Himachal Pradesh State Load Despatch Centre (HPSLDC) shall operate as the State Nodal Agency for grant of short term Green Energy Open Access.

(2) The Himachal Pradesh Power Transmission Corporation Limited (HPPTCL), the State Transmission Utility (STU) shall be the State Nodal Agency for medium-term and long term Green Energy Open Access.

(3) The State Nodal Agencies shall coordinate with each other including the Distribution Licensee to make available all relevant information regarding Green Energy Open Access to the public on the portal of the Central Nodal Agency.

4. **Categorization of Green Energy Open Access.-** (1) The Green Energy Open Access consumers shall be classified into the following categories based on the duration of use of the Intra- State Transmission and/or distribution system:-

- (i) **Long-term Green Energy Open Access consumers** shall be the persons availing or intending to avail the Green Energy Open Access for a period exceeding 12 years but not exceeding 25 years;
- (ii) **Medium-term Green Energy Open Access consumer** shall be the persons availing or intending to avail the Green Energy Open Access for a period exceeding 3 months but not exceeding 5 years; and
- (iii) **Short-term Green Energy Open Access consumer** shall be the persons availing or intending to avail the Green Energy Open Access for a period upto one month at one time:

Provided that the short-term Green Energy Open Access Consumers shall be eligible and re-eligible to obtain fresh reservation on filing of application after the expiry of its term and subject to availability. Such eligibility shall be as per the priority fixed on the basis of the date of such application.

5. **Eligibility Criteria for Green Energy Open Access.-** (1) Subject to the provisions of these Regulations and system availability, the Consumers, Licensees and/or Generating Company shall be eligible for Green Energy Open Access to the Intra-State Transmission System of the STU/ and/or distribution system of the Distribution Licensee's within the State:

Provided that notwithstanding anything contained in these Regulations, any Green Energy Generating Company having subsisting Power Purchase Agreement (PPA) with the Distribution Licensee, shall not be entitled to Green Energy Open Access for the RE capacity, for which PPA is entered into as well as for any capacity (Quantum of power) for which open access is already granted, except in accordance with the terms of such PPA:

Provided further that such Green Energy Open Access shall be available on payment of such charges as may be determined by the Commission from time to time.

- (2) Every person who has constructed a captive generating plant shall have the right to Green Energy Open Access as per the provisions of section 9 of the Act:

Provided that only consumers, who have contracted demand or sanctioned load of 100 kW or more either through single connection or through multiple connections aggregating 100kW or more located in same Electricity Division of the Distribution Licensee shall be eligible to take power through Green Energy Open Access under these Regulations, and, there shall be no limit of supply of power for captive consumers taking power under Green Energy Open Access:

Provided further that the generating plant may be set up by the entity itself or by a developer with which the entity enters into a power purchase agreement.

- (3) Any consumer may elect to purchase green energy either upto a certain percentage of the consumption or its entire consumption by placing a requisition with its Distribution Licensee, which shall procure such quantity of green energy and supply it and the consumer shall have the flexibility to give separate requisition for solar and non-solar:

Provided that any requisition for green energy from a distribution licensee shall be for a minimum period of one year; and the quantum of green energy shall be pre-specified for atleast one year.

- (4) The green energy purchased from Distribution Licensee or from Renewable Energy Sources other than Distribution Licensee, in excess of Renewable Purchase Obligation

of obligated entity, shall be counted towards Renewable Purchase Obligation compliance of the Distribution Licensee. The accounting of renewable energy supplied at Distribution Licensee level shall be on a monthly basis.

6. **Treatment for Existing Green Energy Open Access Consumers.- (1)** The existing consumer(s)/generators may continue to avail the Green Energy Open Access as per the existing agreements or Government policy for the period specified in those agreements or policies, to the extent they are not inconsistent with the Act:

Provided that the existing consumer(s)/generators shall continue to pay the applicable charges as specified in their respective agreements, or as may be determined by the Commission, from time to time, as the case may be:

Provided further that Green Energy Open Access for subsequent periods in respect of such consumer/generator shall be governed by the provisions of these Regulations including any renewal after the completion of initial period of existing Wheeling and Banking Agreement:

Provided further that Green Energy Open Access for any additional RE capacity sought by such existing consumers/generators in addition to the capacity already contracted under the Green Energy Open Access, shall be treated as new application for Green Energy Open Access to the extent of additional capacity sought.

7. **Criteria for allowing Green Energy Open Access.- (1)** The long-term Green Energy Open Access shall be allowed in accordance with the transmission planning criteria and Distribution Planning Code stipulated in the State Grid Code.

(2). The Short-Term/Medium-Term Green Energy Open Access shall be allowed, if the request is accommodated, by utilizing,-

- (a) Inherent design margins;
- (b) Margins available due to variation in power flows; and
- (c) Margins available due to in-built spare transmission system, capacity and/or distribution system capacity created to cater to future load growth.

8. **Curtailement Priority.-**In the case of constraints due to transmission/distribution system or otherwise, the curtailement priority shall be as follows:-

- (i) The Short-Term Open Access consumer (other than Green Energy Open Access consumer) shall be curtailed first followed by Short-Term Green Energy Open Access consumers;
- (ii) Next, Medium-Term Open Access consumer (other than Green Energy Open Access consumer) followed by Medium-Term Green Energy Open Access consumer shall be curtailed; and
- (iii) Next Long-Term Open Access consumer (other than Green Energy Open Access consumer) followed by Long-Term Green Energy Open Access consumer shall be curtailed:

Provided that within a category, the Green Energy Open Access consumers shall have equal curtailement priority and shall be curtailed on pro-rata basis:

Provided further that the Distribution Licensee shall be curtailed, as a last resort.

9. **Procedure for grant of Green Energy Open Access.-**(1). The detailed procedure for grant of connectivity and Green Energy Open Access including the application format and applicable Bank Guarantees/Fee/Charges etc., shall be specified by the State Nodal Agencies, in consultation with the Distribution Licensee, within a period of 30 days from the date of notification of these Regulations and filed before the Commission for approval. The State Nodal Agencies shall be guided by the procedure published by