

TAMIL NADU ELECTRICITY REGULATORY COMMISSION

Amendment to the Power Procurement from New and Renewable Sources of Energy Regulations, 2008

Notification No. TNERC / NCES Regn /16/11, dated 19-01-2013

In exercise of the powers conferred by sub-section (1) of section 181 read with clause (h) of section 61 and clause (e) of subsection (1) of section 86 of the Electricity Act, 2003 (Central Act 36 of 2003), Tamil Nadu Electricity Regulatory Commission hereby makes the following amendments to the Power Procurement from New and Renewable Sources of Energy Regulations 2008, the draft of the same have been previously published as required by sub-section (3) of section 181 of the said Act.

AMENDMENTS

In the said Regulations,

(i) In regulation 3, for sub-regulation (3), the following sub-regulation shall be substituted, namely:-

“Evacuation facilities from the point of generation to the interconnection point including the required metering, protection arrangement and related other equipments and the entire interface line shall be provided by the generator as per the Commission’s Intra State Open Access Regulations, Central Electricity Authority (Technical Standards for connectivity to the Grid) Regulations and Tamil Nadu Electricity Grid Code, in force.”

(ii) In regulation 6, the expression *“and allied issues”* shall be omitted;

(iii) In regulation 7, for the expression, *“The format of the Energy Purchase Agreement (EPA)/ Energy Wheeling Agreement (EWA) shall be evolved by the Commission after discussion with the generators and the distribution licensee”*, the following expression shall be substituted, namely:-

“The distribution licensees shall file a model Energy Purchase Agreement (EPA)/ Energy Wheeling Agreement (EWA) after discussion with the generators/Open Access Customers for the approval of the Commission within one month of the issuance of tariff order by the Commission.”

(iv) In regulation 8, in item (8), the word ***“incentive/”*** shall be omitted.

(By the order of the Tamil Nadu Electricity Regulatory Commission)

(S.GUNASEKARAN)
Secretary

EXPLANATORY STATEMENT

The provisos of sub regulation (3) of regulation 3 of the Power Procurement from New and Renewable Sources of Energy Regulations, 2008 are not consistent with section 10(1) of the Electricity Act, 2003 (Central Act 36 of 2003). Therefore, the said provisos need to be amended suitably. Further, whenever tariff order is revised, the revised tariff is applicable only to the NCES generators commissioned after the date of such revised order, but the revision of allied issues is applicable to all the NCES generators irrespective of the date of commissioning. Evolving of EPA/EWA by the distribution licensee after discussion with the generators will be more appropriate since the licensee can better understand the practical issues. However, the Commission will only approve the model EPA/EWA after obtaining the views of the stake holders. The Commission has withdrawn the power factor incentive after analyzing all the factors. Amendment on withdrawal of incentive has already been made in the Distribution Code and similar provision is necessary in the Power Procurement from New and Renewable Sources of Energy Regulations, 2008. The proposed amendments are to give effect to the above proposals.

(By the order of the Tamil Nadu Electricity Regulatory Commission)

(S.GUNASEKARAN)
Secretary

STATEMENT SHOWING EXISTING PROVISION AND THE PROVISION AS AMENDED

SI.No.	Existing provision	Provision after amendment
1	<p>3.Promotion of new and renewable sources of energy.- (1) ----- (2)----- (3) Evacuation facilities shall be provided by the State Transmission Utility (STU) /Distribution licensee as per the Commission's Intra State Open Access Regulations 2005, Central Electricity Authority (Technical Standards for connectivity to the Grid) Regulations, 2007 and Tamil Nadu Electricity Grid Code. The cost of interfacing lines, switch gear, metering, protection arrangement and related other equipments up to the interconnection point shall have to be borne by the generators, but the work shall be executed by STU/distribution licensee.</p> <p><i>Provided that, in the case of sale of entire power to the distribution licensee by any new and renewable source based generator, the cost of interfacing lines up to the interconnection point shall have to be borne only by the STU/ distribution licensee.</i></p> <p><i>Provided further that in case where the new and renewable source based generator referred to in the first proviso who has entered into an EPA with the distribution licensee referred to therein for the sale of entire power to the said distribution licensee decides to use such power agreed to be sold to the said distribution licensee, for his captive use or for sale of such power to a third person or to a distribution licensee other than the distribution licensee referred to above before the expiry of the period referred to in such EPA, then he shall be bound to reimburse the depreciated (Written down value) cost of interfacing lines to the distribution licensee with whom he has executed such EPA, before the wheeling of power to his captive use or sale to third person or distribution licensee other than the distribution licensee with whom the said EPA has been executed by him.</i></p>	<p>3.Promotion of new and renewable sources of energy.- (1) ----- (2)----- (3) Evacuation facilities from the point of generation to the interconnection point including the required metering, protection arrangement and related other equipments and the entire interface line shall be provided by the generator as per the Commission's Intra State Open Access Regulations, Central Electricity Authority (Technical Standards for connectivity to the Grid) Regulations and Tamil Nadu Electricity Grid Code, in force.</p>

2	<p>6. Agreement and Control period.- <i>The tariff as determined by the Commission by a general or specific order for the purchase of power from each type of renewable source by the distribution licensee as referred to in clause 4(3) shall remain in force for such period as specified by the Commission in such tariff orders. The control period may ordinarily be two years. When the Commission revisits the tariff and allied issues, the revision shall be applicable only to the generator of new and renewable energy sources commissioned after the date of such revised order.</i></p>	<p>6. Agreement and Control period.- <i>The tariff as determined by the Commission by a general or specific order for the purchase of power from each type of renewable source by the distribution licensee as referred to in clause 4(3) shall remain in force for such period as specified by the Commission in such tariff orders. The control period may ordinarily be two years. When the Commission revisits the tariff, the revision shall be applicable only to the generator of new and renewable energy sources commissioned after the date of such revised order.</i></p>
3	<p>7. Energy Purchase Agreement (EPA) and Energy Wheeling Agreement (EWA).- <i>The format of the Energy Purchase Agreement (EPA) and Energy Wheeling Agreement (EWA) shall be evolved by the Commission after discussion with the generators and the distribution licensee.</i> </p>	<p>7. Energy Purchase Agreement (EPA) and Energy Wheeling Agreement (EWA).- <i>The distribution licensees shall file a model Energy Purchase Agreement (EPA)/ Energy Wheeling Agreement (EWA) after discussion with the generators/Open Access Customers for the approval of the Commission within one month of the issuance of tariff order by the Commission.....</i></p>
4	<p>8. Issues related to captive use and third party sale.- <i>While issuing the general or specific tariff order, the Commission may consider appropriate criteria/procedure/ parameters/ charges for each type of new and renewable source, on the following issues, for sale of power to distribution licensee, captive use and third party sale of power by the new and renewable source generators.</i> (1)----- (2)----- Xxx xxx (8)Power factor incentive/disincentive</p>	<p>8. Issues related to captive use and third party sale.- <i>While issuing the general or specific tariff order, the Commission may consider appropriate criteria/ procedure/parameters/ charges for each type of new and renewable source, on the following issues, for sale of power to distribution licensee, captive use and third party sale of power by the new and renewable source generators.</i> (1)----- (2)----- Xxx xxx (8)Power factor disincentive</p>

(S.GUNASEKARAN)
Secretary