

Provided that the short -term open access consumer shall be eligible & re-eligible to obtain fresh reservation on filing of application after the expiry of his term and subject to availability. Such eligibility shall be on priority fixed on the basis of the date of application.

5. Eligibility Criteria for applying GEOA

- i. Subject to the provisions of these Regulations and system availability, consumers shall be eligible for open access to the intra-state transmission system of the State Transmission utility or any transmission licensee/s and distribution system/s of the distribution Licensee/s within the State.

Provided that notwithstanding anything contained in these Regulations, any RE generating company having subsisting Power Purchase Agreement (PPA) with the Distribution Licensee, shall not be entitled to Open Access for the RE capacity, for which PPA is entered into, except in accordance with the terms of such PPA and also for such capacity (quantum of power) for which Open Access is already granted.

Provided further that, such open access shall be available on payment of such charges as may be determined by the Commission from time to time.

- ii. Every person, who has constructed a captive generating plant shall have the right to open access as per the provisions of Section 9 of the Act.

Provided that consumers (except captive consumers), who have contracted demand or sanctioned load of one hundred kW and above shall be eligible for Open Access for sourcing RE under these Regulations.

Provided further that the consumer shall not change the quantum of RE power consumed through open access for twelve time blocks in a day, in order to avoid high variation in demand to be met by the distribution licensee.

6. Nodal Agency

- i. All the applications related to green energy open access shall be submitted to the portal set up by the Central Nodal Agency. The applications shall be routed to the State Nodal Agency(SNA) by the Central Nodal Agency.

Provided that, till such time the procedures and formats are devised by Central Nodal Agency, the existing procedures/formats may be followed in the matter.

- ii. Karnataka State Load Despatch Centre shall operate as the SNA for grant of long term, medium-term and short term green energy open access.

- iii. The SNA shall coordinate with transmission licensees including STU and the Distribution Licensees to make available all relevant information regarding green energy open access to the public on the portal of the Central Nodal Agency.

7. Treatment for existing entities:

The existing consumer(s)/generators may continue to avail the RE under 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 consumers/generators shall continue to pay the applicable charges as specified in their respective agreements, as may be determined by the Commission from time to time.

Provided further that RE open access for the subsequent period in respect of such consumer/generator shall be governed by provisions of these Regulations.

Provided also that if Open Access for any additional RE capacity is sought by such existing consumer(s)/generators in addition to the capacity already contracted under open access, shall be treated as new application for open access to the extent of additional capacity sought.

8. Allotment priority

GEOA consumers shall have preference over normal Open Access consumers, excluding distribution licensees.

Among the GEOA consumers, long-term GEOA consumers shall have preference followed by Medium term and subsequently short-term, at any given time, subject to availability of spare transmission/distribution system capacity margins.

Provided that, the decision for allowing the open access shall be on the basis of first come first served.

9. Procedure for grant of Green Energy Open Access. –

- i. The GEOA applicant shall submit an application complete in all respects, in the format as specified by Central Nodal Agency, on the central portal set up by the Central Nodal Agency.
- ii. The application shall be forwarded to the concerned State Nodal Agency by the Central Nodal Agency for further verification. The following time schedules shall be followed for processing the Application:

Sl. No.	Particulars	Time-line	Remarks
1	Date on which application is received by SNA from Central Nodal Agency	Zero Date	
2	Acknowledgement of receipt of Application	Zero date.	The acknowledgement shall be provided immediately by electronic mode.
3	Acceptance of application by SNA after confirming that all the relevant documents are furnished by the applicant including processing fees and BG	Within three working days from zero date.	In case the application is incomplete, the SNA shall inform the same in writing rejecting the application and furnishing the details of the defects. After rectifying the defects, a fresh application shall be made.
4	Forwarding of application to KPTCL/concerned ESCOMs.	Within five working days from zero date	On acceptance of the application, the same shall be forwarded to KPTCL/concerned ESCOMs for ensuring the system availability and that there is no subsisting PPA for the capacity for which the OA is sought.
5	Concurrence from KPTCL/ESCOMs	Within ten working days from zero date	In case system strengthening is required, the probable date of granting OA shall be intimated to SNA within the same time. In case concurrence is not received within the specified time, SNA shall consider it to be deemed concurrence. Provided that the system studies at the drawl point to ascertain the availability is not required for a consumer of the licensee availing Open Access, subject to the applicant furnishing an undertaking that, he would not exceed the contract demand specified in his supply agreement with the licensee even after opting for Open Access.

6	Grant of Open Access or otherwise	Within twelve working days from zero date	<p>The SNA shall intimate the applicant, the grant of OA within the time specified.</p> <p>In case OA is not granted, the same shall be intimated within the above time furnishing the reasons in writing and also the probable date from which the OA can be granted.</p> <p>In case, SNA fails to intimate the grant of OA or otherwise, within the above specified time, the same shall be deemed to have been granted, which is subject to system availability.</p>
7	Submission of agreement by the applicant for long term OA	Within twenty working days from zero date	<p>The applicant shall submit copies of signed agreement to the SNA/parties to the agreement in the standard format approved by the Commission. The existing WBA as modified by the Commission for REC and non-REC route projects in accordance with these Regulations shall be adopted.</p> <p>In case the applicant fails to submit the WBA within the specified time, the Open Access granted is deemed to have been cancelled.</p>
8	Submission of signed copies of agreement by KPTCL/concerned ESCOMs	Within twenty-five working days from zero date	<p>In case KPTCL/ESCOMs fail to submit the signed copies to the SNA within the specified time, the WBA is deemed to have been approved (Banking allowed only in case of solar, wind and mini-hydel projects).</p>
9	Effective date for wheeling	<p>In case the SNA receives the copy of the agreement signed by the applicant, the effective date for commencement of operation of wheeling of electricity by the applicant shall be the next date from the date of submission of signed copy of the agreement to the SNA.</p> <p>Provided that the above effective date for commencement of wheeling operation shall also be applicable for banking in case of solar, wind and Mini-hydel plants.</p>	<p>The applicant is allowed to wheel the energy from the effective date.</p>