

- q) "Commission" means the West Bengal Electricity Regulatory Commission;
  - r) "Connected Licensee" means a Licensee or any person who is engaged in the business of supplying electricity under the Act and whose works are connected with the premises of any person including an Open Access Customer;
  - s) 'Critical Load' means the load for which supply is to be maintained continuously and disruption of supply may result in law & order problems.
  - t) "Distribution Licensee" means the same as defined in the DSM Regulations;
  - u) "Distribution System Network" or "Distribution System" means the distribution system of a Distribution Licensee in his area of supply;
  - v) "Deviation Settlement Charges" or "DS Charges" means the same as provided in DSM Regulations;
  - w) "DSM Regulations" means the DSM Regulations framed by the Commission, including amendment from time to time and in force at the concerned time of applicability of DSM Regulations;
  - x) "Emergency Power" means the supply by any Distribution Licensee
    - i) of start-up Power or survival power to the captive generating plant or generator acting as an open access source in case of total power failure at a rate as applicable for start-up power or survival power as per Tariff Regulations;
    - ii) of power to the Open Access Consumer, connected to the Distribution Licensee, in case of failure of supply fully or partially from his open access source(s) and having no Backup Power facility, at a rate applicable to Emergency Supply in concerned tariff order of the Distribution Licensee as per Tariff Regulations;
    - iii) of power to the Consumer, connected to the Distribution Licensee, in case of failure of supply fully or partially from his captive generating plant (either in-situ or through dedicated transmission line) and having no Backup Power facility, under the emergency category as per Tariff Regulations at a rate as applicable for Emergency Supply in the concerned tariff order of the Distribution Licensee;
    - iv) of power to the Consumer drawing power from any in-situ generating plant or through dedicated transmission line from any generating plant that is not owned by the Distribution Licensee with whom the consumer is connected for drawing power from the Distribution Licensee as and when required in accordance with power supply agreement between the distribution licensee and the said consumer at a rate as applicable for Emergency Supply in the concerned tariff order of the Distribution Licensee in case of failure of supply from such generating plant and where Backup Power facility has not been availed by such consumer.
- [Explanation:** As per West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011, amended till date the rate for start-up power and survival power is as per note (xi) of the Note of Annexure-C2. Similarly for consumer owning Captive generating plant the conditionalities of paragraph 12.6 of Schedule-5 of the Tariff Regulations is applicable. Such consumer being a default open access consumer as per definition of the open access who draws power through dedicated transmission line from generating source or internal network of the installation of in situ- generating station in a premises of such consumer is also entitled to Backup Power.]
- y) "Energy Charge" means the energy charge as specified in the Tariff Regulations;
  - z) "Final Implemented Schedule" means the same as defined in the State Grid Code.
  - aa) "Force Majeure Event" means the Force Majeure Event as defined in the Tariff Regulations;
  - bb) "green energy" means the same as defined in Green OA Rules and as specified in detail in regulation 2.4 of these regulations;
  - cc) "Green Energy Open Access" means the same as prescribed in rule 5 of Green OA Rules which includes the open access meant for conveying of green energy;



- dd) "Green Energy Open Access Consumer" means the Open Access Consumer for the amount of green energy that is being drawing through open access from Open Access Source;
- ee) "Green OA Rules" means Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 or any subsequent replacement of it;
- ff) "Grid Code" means the same as defined in the Act;
- gg) "Grievance Redressal Regulations" means the West Bengal Electricity Regulatory Commission (Guidelines for Establishment of Forum for Redressal of Grievances of Consumers and Time and Manner of Dealing with such Grievances by the Ombudsman ) Regulations, 2013 including any amendment, modification or re-notification thereof under any name whatsoever;
- hh) "Intending Distribution System User" means the person who, being eligible for Open Access in distribution system, has applied for allocation of or increase in allocated capacity rights for the purpose of wheeling and has agreed to the carrying out of works on obtaining such access;
- ii) "Intending Transmission System User" means the person who, being eligible for Open Access in transmission, has applied for allocation of or increase in allocated capacity rights for the purpose of transmission and has agreed to the carrying out of works for obtaining such access;
- jj) "inter-State transmission system" or "ISTS" means the same as defined in the Act;
- kk) "intra-State transmission system" or "InSTS" means any system for transmission of electricity within the State excluding
  - i) the Inter-State Transmission System (ISTS) as per Grid Code and
  - ii) transmission line(s) declared as essential part of the distribution system of a licensee by the Commission.
- II) "Licensee" means the same as defined in the DSM Regulations;
- mm) "Long-Term Customer" means a person who has been granted Long-Term Open Access;
- nn) "Long-Term Open Access" or "LTOA" means Open Access for a period at a stretch as specified in the case of Long-Term Access in CERC LT&MT Regulations for using the intra-State transmission system and/or any distribution system under the purview of Commission;
- oo) "Medium-Term Customer" means a person who has been granted Medium-Term Open Access;
- pp) "Medium-Term Open Access" or "MTOA" means Open Access for a period at a stretch as specified in case of Medium-Term Open Access in CERC LT&MT Regulations for using the intra-State transmission system and/or any distribution system under the purview of the Commission;
- qq) "Multiple license area" means an area of supply where two or more Distribution Licensees are operating with the purpose to supply electricity to the consumers of that area at tariff determined by the Commission;
- rr) "National Open Access Registry" or "NOAR" means the same as defined in the "CERC ST Regulations";
- ss) "NLDC" means the National Load Despatch Centre as defined in the Grid Code;
- tt) "Nodal Agency" means the Nodal Agency as specified in regulation 8;
- uu) "Open Access Consumer" means the Open Access Customer who is also a consumer of the Distribution License with whose distribution system he is connected for getting supply of electricity in consumer mode and also connected for availing power through open access facility from its
  - i) Open Access Source either through the grid; or
  - ii) in case of open access source being generator through Dedicated Transmission Line /internal network to its installations.
- vv) "Open Access Customer" means a person availing or intending to avail Open Access on the transmission system or the distribution system of a Licensee(s) or any person engaged in the business of supplying electricity to the public under the Act;



- ww) "Open Access source" means a generating station including a Captive Generating Plant or any person holding appropriate license for supply or trading of electricity from whom power is being procured by an Open Access Customer through Open Access;
  - xx) "Ownership" of a generating station or Captive Generating Plant shall have the meaning as has been prescribed in the Electricity Rules, 2005;
  - yy) "PPA" means Power Purchase Agreement or Power Sale Agreement as the case may be;
  - zz) "Regulations" means the regulations made under the Act;
  - aaa) "RLDC" means the Regional Load Despatch Centre as defined in the Grid Code.
  - bbb) "Rules" means the rules made under the Act;
  - ccc) "Safe Capacity" means continuous current carrying capacity considering outage of the largest element in such distribution, transmission and associated system or as stipulated in the planning criteria by the appropriate authority;
  - ddd) "Short Term Customer" means a person who has been granted Short-Term Open Access;
  - eee) "Short-Term Open Access" or "STOA" means Open Access for using the intra-State transmission system and/or any distribution system for a period as specified in case of Short-Term Open Access under CERC ST Regulations.
  - fff) "SLDC" means the SLDC as defined in the Tariff Regulations;
  - ggg) "SLDC Detailed Procedures" means the same as defined in regulation 16.1 of these Open Access Regulations;
  - hhh) "SOP Regulations" means the West Bengal Electricity Regulatory Commission (Standards of Performance of Licensees Relating to Consumer Services) Regulations, 2010 including any amendment, modification or re-notification thereof under any name whatsoever;
  - iii) "Start-up Power" or "Startup Power" means the power required by any generating station or Captive Generating Plant situated in the State for black start or cold start of such generating station.
  - iii) "State" means the State of West Bengal;
  - kkk) "State Grid" means the same as defined in the State Grid Code
  - lll) "State Grid Code"<sup>11</sup> or "SGC Regulations" means the regulation framed by the Commission under clause (h) of sub-section (1) of Section 86 of the Act and which is in force.
  - mmm) "STU" means the STU as defined in the Tariff Regulations;
  - nnn) "STU Detailed Procedure" means the same as defined in regulation 16.2 of these Open Access Regulations;
  - ooo) "Supply" means the same as defined in the Act.
  - ppp) "Tariff Regulations" mean the regulations specified by the Commission under section 61 of the Act;
  - qqq) "Time Block" is the same as defined in Grid Code.
  - rrr) "Transmission Licensee" means the same as defined in Tariff Regulations
  - sss) "Transmission System" means the same as defined in Tariff Regulations
  - ttt) "Wheeling" means the operation whereby the distribution system and associated facilities of a distribution licensee are used by another person for the conveyance of electricity on payment of charges to be determined under section 62 of the Act;
- 2.2 Words or expressions used and not defined in these regulations but defined in the Act or any other Regulations framed by the Commission shall have the meanings respectively assigned to them therein. Where the words "as specified" has been used, it shall mean as specified in these Open Access Regulations or under any other law or any regulations issued by this Commission from time to time.



- 2.3 Unless the context otherwise requires, all the terms used in these Regulations shall have the meaning assigned to them in the regulation 2.1 of these regulations notwithstanding their typesetting.
- 2.4 The renewable sources for energy to be considered as green energy for the purpose of these Open Access Regulations are those sources which are declared as renewable sources for energy under any instrument or policy guideline by the concerned Ministry of the Central Government who is empowered to administer the Act vide the Government of India (Allocation of Business) Rules, 1961 framed under clause (3) of article 77 of the Constitution of India. The sources considered for meeting Renewable Purchase Obligations (RPO) under rule 4.4 of Green OA Rules and also considered for different charges as applicable under rule 9 of Green OA Rules will be considered as renewable sources for energy. In addition, any energy sources recognised by Central Nodal Agency as green energy or renewable sources for energy will also be considered as renewable sources of energy for the purpose of these Open Access Regulations.

### **3. Extent of Application**

- 3.1 These regulations shall apply to any form of Open Access for use of intra-state transmission system and/or distribution system including any such lines and/or systems as are used in conjunction with inter-State transmission lines in the state of West Bengal.
- 3.2 These regulations shall apply to all Open Access Customers who have been granted Open Access by the Commission or those who are availing Open Access before the Effective Date of these Open Access Regulations. Notwithstanding anything to the contrary contained in earlier Regulations or orders of the Commission respect to open access, these regulations shall have overriding effect.
- 3.3 It is clarified that for persons who are drawing power or intend to draw power from any generator through dedicated transmission lines of the generator (including in-situ or off site captive generating plant) or any other arrangement not involving the use of intra-state transmission lines or distribution network of distribution licensee to whom such person is connected, the provisions of these Open Access Regulations shall be applicable to the extent relevant for such arrangement, including scheduling, determination of cross-subsidy surcharge, additional surcharge, arrangement for Backup Power, supply of Emergency Power, payment of Electricity Duty (ED) to the State Government as per notification under Bengal Electricity Duty Act, 1935, etc. as such arrangement is also an Open Access mechanism. Such customers shall ensure proper metering arrangement including interface meters in accordance with the CEA Meter Regulations to record the energy supplied to the consumer from the generator.

### **4. Eligibility for Open Access:**

#### **4.1 Transmission:**

Subject to the provisions of these regulations, a Licensee or a generating company or a Captive Generating Plant or a consumer as may be declared eligible for Open Access by the Commission in a phased manner under sub-section (2) of Section 42 of the Act or any person engaged in the business of supplying electricity to the public under the Act or any other person shall be eligible for Open Access to the intra-State transmission system or associated facilities of the STU or any Transmission Licensee on payment of the charges, as specified, for using the transmission system of the Transmission Licensee.

#### **4.2 Distribution:**

Subject to the provisions of these regulations and the regulations made under fifth proviso to sub-section (2) of section 42 of the Act, a Licensee or a generating company or a Captive Generating Plant or a consumer as may be declared eligible for Open Access by the Commission in a phased manner under sub-section (2) of Section 42 of the Act or any person engaged in the business of supplying electricity to the public under the Act shall be eligible for Open Access to the distribution system and associated facilities of a Distribution Licensee on payment of charges, as may be specified by the Commission, for using the distribution system and the associated facilities of the Distribution Licensee.

Provided that consumers who have contracted demand or sanctioned load of hundred kW and above shall be eligible to take green energy through green energy open access.