

UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

No. UPERC/Secy/Regulation/10 - 1185

Lucknow : Dated, 28th October, 2010

In exercise of powers conferred under section 181 of the Electricity Act, 2003 and all other powers enabling it in this behalf, and after previous publication, the Uttar Pradesh Electricity Regulatory Commission, hereby makes the following regulations, namely :-

1. Short Title and Commencement :

- 1.1 These regulations may be called the Uttar Pradesh Electricity Regulatory Commission (Grant of Connectivity to intra-State Transmission System) Regulations, 2010.
- 1.2 These regulations shall come into force from the date of their publication in the Official Gazette.
- 1.3 These regulations shall apply throughout the State of Uttar Pradesh.

2. Definitions and Interpretations :

2.1 In these regulations, unless the context otherwise requires,-

- (a) "Act" means the Electricity Act, 2003 (36 of 2003) as amended from time to time;
- (b) "applicant" means
 - a generating company, which owns or operates or maintains a generating station (including a captive generating plant) having installed capacity of 5 MW and above, seeking connectivity for its new / modified / expanded generating plant / electrical plant at voltage 33 kV and above;
 - or

- a distribution licensee, seeking connectivity for new / modified / augmented substation or generating station and / or electric line at voltage 33 kV and above; or
- a captive user or an open access consumer, seeking connectivity for its new / modified / augmented substation and / or electric line to receive electricity exceeding 10 MW at voltage 132 kV and above:

Provided that an application for connectivity is not required to be made by any intra-State transmission licensee (other than the State Transmission Utility), since transmission system planning is carried out in a co-ordinated manner by the State Transmission Utility and the Central Electricity Authority.

Explanation: An application for connectivity is not required to be made by any captive user or open access consumer for receiving electricity upto and including 10 MW at voltage below 132 kV, since their requirement shall be taken up and integrated by the distribution licensee of their area in the planning and development of distribution system.

- (c) “captive user” means the person or member, within the meaning of section 2(8) of the Act, who has constructed a captive generating plant primarily for his own use;
- (d) “Commission” means the Uttar Pradesh Electricity Regulatory Commission as referred to in sub-section (1) of section 82 of the Act;
- (e) “connection agreement” means an agreement between the State Transmission Utility, intra-State transmission licensee (other than the State Transmission Utility if any) and any applicant setting out the terms relating to connectivity to the intra-State transmission system;

- (f) “connection offer” means an offer made by the Nodal Agency to the applicant along with terms, conditions and modalities for execution of connectivity as referred to in clause 7.3 hereof;
- (g) “connectivity” for an applicant or an intra-State transmission licensee (other than the State Transmission Utility) means the state of getting connected to the intra-State transmission system at voltage 33 kV and above;
- (h) “inter-connection facilities” at point of connectivity in respect of generating station other than those generate non-firm power means equipments, control, protection & metering devices and all other appurtenants required at feeder bay of concerned sub-station / switchyard of the State Transmission Utility / any other transmission licensee;
- (i) “interconnection point “ or “point of connectivity” means the interface point or point(s) at which generating plant / electrical plant and / or electric line (including inter-connection facilities) of the applicant or the intra-State transmission licensee (other than the State Transmission Utility) is connected to the intra-State transmission system;
- (j) “Nodal Agency” means the State Transmission Utility for grant of connectivity to the intra-State transmission system and related matters;
- (k) “non-firm power” means the power generated from renewable energy sources where the hourly variation is dependent upon natural phenomenon such as sun, wind, etc., and which cannot be accurately predicted;
- (l) “open access consumer” means any consumer availing or intending to avail open access as specified by the Commission under sub-section (2) of section 42 of the Act;
- (m) “pooling station” means the sub-station or switchyard which shall be constructed, owned, operated and maintained by the applicant(s) on their own cost for connecting generating stations generating non-firm power;

- (n) "procedure" means the procedure as laid down for grant of connectivity to the intra-State Transmission System and related matters;
- (o) "State" means the State of Uttar Pradesh;
- (p) "State Grid Code" or "UPEGC" means the State Grid Code specified by the Commission under clause (h) of sub-section (1) of section 86 of the Act;
- (q) "State Transmission Utility (STU)" means the Board or the Government company specified as such by the State Government under sub-section (1) of section 39 of the Act;
- (r) "user" means a person such as a generating company (including captive generating plant and non-conventional energy sources based generating station) or an intra-State transmission licensee (other than the State Transmission Utility) or a distribution licensee or a captive user or an open access consumer, whose generating plant / electrical plant and / or electric line is connected to the intra-State transmission system at voltage 33 kV or 132 kV and above, as the case may be.

2.2 Words and expressions used in these regulations and not defined herein but defined in the Act or the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007 or the State Grid Code or any other regulations specified by the Commission shall, unless the context otherwise requires, have the same meaning as assigned to them therein under the Act or the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007 or the State Grid Code or other regulations specified by the Commission.

3. **Extent of Application :**

These regulations shall be applicable to generating companies (including captive generating plants and non-conventional energy sources based generating

stations), distribution licensees, captive users, open access consumers, intra-State transmission licensees and the State Transmission Utility.

4. Nodal Agency :

The State Transmission Utility shall act as the Nodal Agency to undertake functions incidental to grant of connectivity to intra-State transmission system in accordance with the procedure and under the provisions of these regulations.

5. Procedure :

The Nodal Agency shall develop and submit within sixty (60) days of issue of these regulations the draft procedure for approval of the Commission:

Provided that nothing in these regulations bar the Commission from issuing the procedure on its own motion, by general or special order as it considers appropriate, in consultation with the Nodal Agency and other stakeholders in case the Nodal Agency fails to submit the draft procedure or in view of special circumstances for which the reasons shall be recorded in writing.

6. Application for Connectivity :

6.1 Application for grant of connectivity shall be made to the Nodal Agency:

Provided that the application for connectivity shall contain such details as may be laid down under the procedure, and, in particular, shall include the geographical location of the generating plant / electrical plant, injection / drawl point, commissioning schedule, quantum of power to be interchanged (i.e. the quantum of power to be injected and / or the quantum of power to be drawn) through the intra-State transmission system:

Provided further that technical details of the generating station, as referred to in clause (a) of sub-section (3) of section 10 of the Act, shall be submitted to the Commission.

6.2 The application referred to in clause 6.1 shall be accompanied by a non-refundable application fee specified hereunder (or as determined by the Commission from time to time by an order), payable in the name and in the manner laid down in the procedure:–

S. No.	Quantum of power to be injected / drawn through the intra-State transmission system	Application fee (Rs. in lac)
1.	Up to 100 MW	2
2.	More than 100 MW and up to 500 MW	3
3.	More than 500 MW and up to 1000 MW	6
4.	More than 1000 MW	9

Provided that for the quantum of power to be injected up to 10 MW by a generating station based on non-conventional energy sources or for the quantum of power to be drawn up to 10 MW by a distribution licensee, the non-refundable application fee shall be Rs. 0.10 lac.

6.3 In cases where once an application has been filed and thereafter there has been any material change in the location of the generating plant / electrical plant, injection point / drawl point or material change in the quantum of power to be interchanged with the intra-State transmission system, the applicant shall make a fresh application, which shall be considered in accordance with these regulations.

6.4 In respect of the quantum of power to be interchanged with the intra-State transmission system, the material change as referred to in clause 6.3 shall be any change which is more than:

- (a) fifteen percent (15%) of the quantum of power declared for interchange in the original application in respect to applications submitted for grant of connectivity up to 500 MW;
- (b) 100 MW in the quantum of power declared for interchange in the original application in respect to applications submitted for grant of connectivity for more than 500 MW.

6.5 Any change in voltage level of connectivity shall require a fresh application for grant of connectivity.

7 Grant of Connectivity :

7.1 The application for grant of connectivity shall be processed by the Nodal Agency ensuring that the applicant has complied with provisions of the State Grid Code, the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007, as amended from time to time, in addition to mutually agreed requirements.

7.2 The Nodal Agency shall carry out the necessary interconnection study as specified in the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007 and the State Grid Code, as amended from time to time. Necessary coordination and consultation shall be established with other agencies / users connected or to be connected with the intra-State transmission system for materializing the connectivity. The Nodal Agency shall determine, but not limited to, point of connectivity, required inter-connection facilities and the necessity of any modifications required in the existing intra-State transmission system, if any, as a consequence of grant of connectivity:

Provided that while granting connectivity in case of plant generating non-firm power, the requirements as per Schedule to these regulations shall be complied with, besides the general connectivity conditions given in these regulations:

Provided further that in case of intra-State transmission licensee, on the basis of approved transmission plan, the State Transmission Utility shall finalize connectivity of such transmission licensee which shall be deemed to be grant of connectivity:

Provided also that the intra-State transmission licensee may be required to furnish additional information essential for signing of connection agreement:

Provided also that an intra-State transmission licensee (other than the State Transmission Utility) shall sign a connection agreement with the State Transmission Utility, as provided for in clause 8 hereof.

- 7.3 The Nodal Agency shall make a 'connection offer', along with terms, conditions and modalities for execution of connectivity, to the applicant within one hundred twenty (120) days from the date of receipt of application, with direction to the applicant to sign the connection agreement. Such offer shall be deemed to be grant of connectivity subject to signing of the connection agreement by the applicant as provided for in clause 8 hereof:

Provided that in case an application is rejected, the rejection and reasons for rejection shall be communicated to the applicant in writing by the Nodal Agency within ninety (90) days from the date of receipt of application:

Provided further that before an application is finally rejected, the applicant shall be given a reasonable opportunity of being heard.

- 7.4 A person aggrieved by the decision of the Nodal Agency under proviso to clause 7.3 may approach the Commission for redressal within forty five (45) days from the date of such decision and the Commission may pass order, as deemed appropriate.

- 7.5 While granting connectivity, the Nodal Agency shall specify the name of the sub-station or switchyard or pooling station where connectivity is to be granted. In case connectivity is to be granted by looping-in and looping-out of an existing or proposed transmission line, the Nodal Agency shall specify the point of connectivity and the name of the transmission line to which connectivity is to be granted:

Provided that in case of solar photovoltaic and wind energy generating station the point of connectivity shall be line breaker on outgoing feeder on HV side of the pooling station, and for solar thermal generating station, the point of

connectivity shall be line breaker on outgoing feeder on HV side of generator transformer.

- 7.6 The requirement of connectivity brought out in interconnection study shall be integrated by the State Transmission Utility to the Transmission Plan.
- 7.7 The applicant and all intra-State transmission licensees including the State Transmission Utility shall comply with the provisions of the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007, other regulations of the Central Electricity Authority and the State Grid Code, as amended from time to time, and in particular, but not limited to, the technical requirements for connectivity to the grid i.e. voice and data communication facilities, system recording instruments, responsibilities for safety, cyber security, reactive power compensation and other statutory provisions.
- 7.8 These regulations shall supersede any other regulation or code or order thereof issued / passed by the Commission in regard to the grant of connectivity in respect of intra-State transmission system.

8. Execution of Connection Agreement :

- 8.1 The applicant or intra-State transmission licensee, as the case may be, shall sign within forty five (45) days (unless otherwise indicated by the Nodal Agency) from the date of 'connection offer', a connection agreement with the State Transmission Utility / any other transmission licensee owning the sub-station or switchyard or the transmission line as identified by the Nodal Agency where connectivity is being granted:

Provided that in case connectivity is granted to a generating station (including captive generating plant / non-conventional energy sources based generating station) or a distribution licensee or a captive user or an open access consumer to the intra-State transmission system of a transmission licensee other than the State Transmission Utility, a tripartite connection agreement shall be

signed between the applicant, the State Transmission Utility and such transmission licensee:

Provided further that the Nodal Agency shall prepare and submit within sixty (60) days of issue of these regulations the model connection agreement(s) for approval of the Commission.

8.2 If the applicant fails to enter into the connection agreement within the period stipulated in clause 8.1, the Nodal Agency shall notify the parties to do so within thirty (30) days failing which the grant of connectivity to the applicant shall be deemed to have been withdrawn unless the applicant has been granted additional time by the Nodal Agency under clause 8.3 hereunder.

8.3 The applicant may seek additional time beyond the period stipulated under clauses 8.1 and 8.2 above, to sign the connection agreement, citing reasons thereof. The Nodal Agency on being satisfied of the reasons cited by the applicant may grant additional time for such period as it considers appropriate:

Provided that the additional time granted by the Nodal Agency above to sign the connection agreement shall be granted to an applicant only once. Thereafter any further request for grant of connectivity by the same applicant shall be treated as a fresh application.

8.4 In the event of withdrawal of grant of connectivity under clause 8.2, the Nodal Agency shall not be required to consider any further application from the same applicant within twelve (12) months from the date of withdrawal of grant of connectivity unless new application is substantially different from the original application.

8.5 In case of modification to existing or proposed point of connectivity due to any non-material change such as re-allocation of bays etc. by either of the parties of the connection agreement, if mutually agreed, an amendment to the connection agreement shall be executed between such parties subject to prior approval of the Nodal Agency.

8.6 The decision of the Nodal Agency under clause 8.1 to clause 8.5 shall be final and binding.

9. Construction, Operation and Maintenance of Inter-connection Facilities :

9.1 The State Transmission Utility / any other transmission licensee may be required by the applicant or intra-State transmission licensee, as the case may be, to construct, operate and maintain interconnection facilities at the point of connectivity as below:

(a) The applicant or intra-State transmission licensee, as the case may be, shall pay cost of construction of interconnection facilities on such terms and conditions as may be specified by the State Transmission Utility / any other transmission licensee.

(b) The State Transmission Utility / any other transmission licensee shall be responsible for operation and maintenance of interconnection facilities and the ownership of such interconnection facilities shall be deemed to have been transferred by the applicant or intra-State transmission licensee, as the case may be, to the State Transmission Utility / any other transmission licensee. The operation and maintenance cost of such facilities shall be included in the transmission charges of the State Transmission Utility / any other transmission licensee.

9.2 The cost other than that referred to in clause 9.1(a) shall be borne by the State Transmission Utility / any other transmission licensee.

Note: In case of plant generating non-firm power, the cost / expenses incurred for accommodating the proposed connectivity and other matters connected therewith shall be recovered as per Schedule to these regulations.

10. Construction, Operation and Maintenance of Dedicated Transmission Lines

10.1 In case of generating station other than those generate non-firm power, an applicant may be required by the State Transmission Utility to construct a

dedicated transmission line (excluding the inter-connection facilities) up to the point of connectivity to enable connectivity to the intra-State transmission system which shall be owned, maintained and operated by the applicant. The expenditure incurred towards construction, operation and maintenance of such dedicated transmission line shall be borne by the applicant. The construction shall be undertaken under supervision of the State Transmission Utility / any other transmission licensee on payment of supervision charges approved by the Commission:

Provided that a generating station of above 100 MW or one that is getting connected to the intra-State transmission system at voltage 220 kV and above (but excluding captive generating plants), shall be taken into account for coordinated transmission planning by the State Transmission Utility and the Central Electricity Authority and such transmission system shall be undertaken by the State Transmission Utility or any other transmission licensee.

- 10.2 In cases where construction of such dedicated transmission line is undertaken by the State Transmission Utility / any other transmission licensee at the option of the applicant, such applicant shall sign a Dedicated Evacuation Agreement (DEA) on terms and conditions as mutually agreed:

Provided that the applicant shall make payment of the cost of construction of the dedicated transmission line to the State Transmission Utility or any other transmission licensee.

- 10.3 In cases where maintenance of such dedicated transmission line is undertaken by the State Transmission Utility / any other transmission licensee at the option of the applicant, such applicant shall sign an Annual Maintenance Contract on terms and conditions as mutually agreed:

Provided that the applicant shall make payment of the annual maintenance charges for meeting expenses towards maintenance of the dedicated

transmission line to the State Transmission Utility / any other transmission licensee.

- 10.4 In cases where construction or maintenance of such dedicated transmission line is undertaken by any other agency (State Transmission Utility / any other transmission licensee) at the option of the applicant, the Commission shall assume no role to adjudicate upon the disputes between such licensee and applicant or refer such dispute for arbitration.

Note: In case of plant generating non-firm power, construction and operation / maintenance of evacuation infrastructure shall be undertaken as per Schedule to these regulations.

11. Metering :

For installation of meters, its testing, calibration and reading and all matters incidental thereto, the applicant or intra-State transmission licensee, as the case may be, shall follow and be bound by the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, the State Grid Code and Availability Based Tariff as amended and revised from time to time and shall also comply with all metering requirements as notified by the State Transmission Utility.

12. Synchronization and Commissioning :

- 12.1 The applicant or intra-State transmission licensee, as the case may be, shall give the Nodal Agency, the State Load Despatch Centre and other concerned persons (including transmission licensee) at least sixty (60) days advance preliminary written notice and at least thirty (30) days advance final written notice, of the date on which it intends to synchronise its generating plant and/or electrical plant and/or electric line to the State Grid.
- 12.2 Testing/retesting and measurement procedures applied during each commissioning test shall be in accordance with the codes, practices and procedures as generally / normally applied for the commissioning tests.

12.3 All costs, risk and expenses in synchronising, commissioning and/or testing or retesting as referred hereinabove shall solely and completely be borne by the applicant or intra-State transmission licensee, as the case may be.

13. Operation and Maintenance :

The applicant or intra-State transmission licensee, as the case may be, shall comply with the provisions of the applicable Laws including, in particular, the State Grid Code (as amended from time to time) regarding operation and maintenance of the generating plant / electrical plant and/or electric line, as the case may be, and all matters incidental thereto.

14. Interchange of Power with Intra-State Transmission System :

14.1 Even before availing any type of open access, a generating station (including captive generating plant and a non - conventional energy sources based generating station) which has been granted connectivity to the intra-State transmission system shall be allowed to undertake interchange of power including drawl of power for its commissioning activities and injection of infirm power into the State grid during testing including full load testing before being put into commercial operation. This shall be permitted only after it obtains permission of the State Load Despatch Centre, who shall keep grid security in view while granting such permission:

Provided that interchange of infirm and start up power through the grid shall be subject to prior contract between the generating station and distribution licensee(s):

Provided further that existing generating stations shall also ensure that requirement of start up power is also agreed to with distribution licensee if such agreement does not already exist.

14.2 The grant of connectivity shall not entitle an applicant / any other person to undertake interchange of power through the grid (except for purposes mentioned

in clause 14.1 hereinabove) unless open access has been obtained in accordance with the regulations specified by the Appropriate Commission.

Note: A person can apply for open access after application for connectivity has been received by the Nodal Agency. However, separate application(s) for connectivity and for open access may be submitted simultaneously to save time. The application for open access shall be entertained only after grant of connectivity under clause 7.3.

15. Treatment of Existing Connectivity :

15.1 The user already connected to the intra-State transmission system or for which connectivity is already granted by the Nodal Agency under any other regulation or order of the Commission, need not apply for connectivity afresh for the same capacity. However, in case of extension of capacity of generating plant / electrical plant or contracted load or augmentation of substation / electric line, as the case may be, the user shall be required to apply afresh for connectivity under these regulations.

15.2 In respect of existing connections to the intra - State transmission system, all existing users shall enter into a connection agreement with the State Transmission Utility. However, a relaxation of one year from the date of notification of these regulations is allowed so that present arrangement may continue in the interim till the connection agreement is established between the concerned parties.

16. Exit Option :

A person shall relinquish or transfer his rights and obligations as specified in the connection agreement unless it applies to the Nodal Agency at least six (6) months prior to such relinquish or transfer.

17. Information System :

The Nodal Agency shall post the following documents / information on its website in a separate web-page titled "Connectivity":

- (a) These regulations;
- (b) Procedure as laid down under these regulations;
- (c) List of applications received by the Nodal Agency for connectivity along with necessary details;
- (d) List of applicants granted connectivity, indicating;-
 - (i) Name of applicant;
 - (ii) Point of connectivity;
 - (iii) Name of transmission system;
 - (iv) Capacity (MW) for which connectivity has been granted.
- (e) List of applications where approval for connectivity has not been granted along with reasons thereof;

18. Redressal Mechanism :

All disputes arising out of or under these regulations shall be decided by the Commission on a petition made in this behalf by the person aggrieved unless provided otherwise.

19. General Power to Amend :

The Commission may, at any time and on such terms as it may deem fit, amend / vary / delete / modify any of the provisions of these regulations and make necessary amendments thereof.

20. Power to relax :

The Commission by general or special order may, for reasons to be recorded in writing, relax any of the provisions of these regulations on its own motion or on an application made before it by an interested person.

21. Miscellaneous :

- 21.1 Nothing in these regulations shall be deemed to limit or otherwise affect the power of the Commission to make such orders as may be necessary to meet the ends of justice or to prevent abuse of process of the Commission.
- 21.2 Nothing in these regulations shall bar the Commission from adopting in conformity with provisions of the Act, a procedure which is at variance with any of the provisions of these regulations, if the Commission, in view of the special circumstance of matter or a class of matters and for reasons to be recorded in writing, deems it just or expedient for deciding such matter or class of matters.
- 22.** These Regulations are made in English and translated into Hindi. In case of dispute, the English version shall prevail.

By order of the Commission

(A. K. Srivastava)

Secretary

Uttar Pradesh Electricity Regulatory Commission
Lucknow

SCHEDULE

Promotional Measures/ Conditions for Plants generating Non-firm Power

1. Connectivity of Generation Facility :

The Nodal Agency shall provide interconnection at the nearest pooling station:

Provided that where it is not feasible for the Nodal Agency to provide interconnection at the nearest pooling station, it shall propose to the applicant, other feasible interconnection pooling station or sub-station or switchyard:

Provided further that the said proposal, along with the reasons for not allowing interconnection at the nearest pooling station, shall be communicated in writing to the applicant within forty five (45) days from the date of receipt of application to the applicant.

Note: The interconnection point shall be common for all generating plants connected to the pooling station.

2. Construction and Operation / Maintenance of Evacuation Infrastructure :

2.1 The applicant shall construct, operate and maintain its generation facility (up to the point of connectivity) including pooling station at its own expense. For construction and operation / maintenance of evacuation infrastructure beyond point of connectivity up to main receiving sub-station or switchyard of the State Transmission Utility / any other transmission licensee, the following shall be responsible:

- (a) for 33 kV and above works - the distribution licensee;
- (b) for 132 kV and above - the State Transmission Utility / any other transmission licensee (owning the main receiving sub-station or switchyard or the transmission line as identified by the Nodal Agency where connectivity is being granted)

2.2 The evacuation infrastructure construction cost and its operation / maintenance cost as referred to in clause 2.1 of this Schedule shall be borne by -

(a) the distribution licensee and/or the State Transmission Utility / any other transmission licensee, as the case may be, in case of supply of electricity from a generating station to the distribution licensee of the area at the tariff determined by the Commission. The cost incurred shall be allowed in tariff of the distribution licensee and / or the State Transmission Utility / any other transmission licensee, as the case may be;

(b) the applicant, in cases other than sub-clause (a) of clause 2.2 of this Schedule.

2.3 For recovery of cost as referred to in sub-clause (a) of clause 2.2, the distribution licensee and / or transmission licensee, as the case may be, shall, in consultation with the State Transmission Utility, Non-conventional Energy Development Agency or any other person whom it may deem fit, prepare a scheme for augmenting and establishing the distribution system and / or transmission system and evacuation infrastructure(s) beyond the point of connectivity(ies) corresponding to the commissioning of the generating station(s). The scheme shall be submitted by the concerned distribution licensee and the transmission licensee for the approval of the Commission and expenditure allowed therein shall be a pass through in tariff of the concerned distribution licensee and / or the transmission licensee, as the case may be,

2.4 For recovery of cost as referred to in sub-clause (b) of clause 2.2, the applicant shall sign Dedicated Evacuation Agreement(s) (DEAs) on such terms and conditions as mutually agreed separately with concerned licensee(s), within forty five (45) days of grant of connectivity:

Provided that the applicant shall make payment of the cost of construction of dedicated evacuation infrastructure to the concerned licensee(s).

3. Co-ordination Committee :

The Commission shall, either on its own motion or on request of the Nodal Agency, constitute by an order as deemed appropriate a co-ordination committee in the State Load Despatch Centre and the State Transmission Utility within sixty (60) days of issue of these regulations to ensure smother operations and grid integration of non-firm renewable energy sources including the creation and maintenance of database regarding future non-firm power generating stations.