



**TAMIL NADU
GOVERNMENT GAZETTE**

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Part VI --- Section 2

*Notifications of interest to a section of the public issued by
Heads of Departments, etc.*

NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.



TAMIL NADU ELECTRICITY REGULATORY COMMISSION

INTRA-STATE OPEN ACCESS REGULATIONS, 2008

NOTIFICATION No. TNERC/ISOA / 11/1- 2 , dated 11-10-2008

WHEREAS the Tamil Nadu Electricity Regulatory Commission specified the Tamil Nadu Electricity Regulatory Commission – Intra-State Open Access Regulations, 2005 under section 181 of the Electricity Act, 2003 (Central Act 36 of 2003) and published the same in the Tamil Nadu Government Gazette (Part VI – section 2 supplement) dated the 3rd August 2005;

AND WHEREAS the Commission has specified the Grid availability Charges in regulation 9 (7) in the above Regulations for providing standby arrangements and for providing the applicable tariff of the consumer category for whom the standby arrangements are made as the grid availability charges;

AND WHEREAS clause 8.5.6 of the National Tariff Policy issued by the Government of India provides that *“In case of outages of generator supplying to a consumer on open access, standby arrangements should be provided by the licensee on the payment of tariff for temporary connection to that consumer category as specified by the Appropriate Commission;*

AND WHEREAS it is considered expedient to prescribe concessional open access application fee and agreement fee as a promotional measure in line with section 86 (e) of the Act;

AND WHEREAS it is considered necessary to amend, the Tamil Nadu Electricity Regulatory Commission – Intra-State Open Access Regulations 2005 to fall in line with the said clause 8.5.6 of the National Tariff Policy;

NOW, THEREFORE, in exercise of the powers conferred under section 181 of the Electricity Act, 2003 (Central Act, 36 of 2003) and all other powers enabling it in this behalf and after previous publication, the Tamil Nadu Electricity

Regulatory Commission hereby makes the following amendments to the Tamil Nadu Electricity Regulatory Commission – Intra-State Open Access Regulations 2005 (hereinafter referred to as the principal Regulations) namely:-

Tamil Nadu Electricity Regulatory Commission – Intra-State Open Regulations
(Second Amendment) Regulations, 2008

1. Short title and commencement:

- (i) These Regulations may be called Tamil Nadu Electricity Regulatory Commission – Intra-State Open Access Regulations (Second Amendment) 2008
- (ii) These Regulations shall be deemed to have come into force on the 3rd August 2005, the date on which the principal Regulations came into force

2. Amendment to sub-regulation (7) of regulation 9 of the Principal Regulations

In sub-regulation (7) of regulation 9 of the Principal Regulations;

For clause (a) the following shall be substituted:-

(a) “In cases of outages of generator supplying to a consumer on open access or when the scheduled generation is not maintained or when the drawal by the said consumer is in excess of the schedule, standby arrangements should be provided by the distribution licensee. Towards this end, the distribution licensee is entitled to collect tariff for temporary connection to that category of consumer as grid availability charges for back up supply from the grid. As and when the ABT regime is implemented in the State and the UI charges are fixed by the Commission, the grid support charge eligible to the distribution licensee shall be (a) the tariff applicable for the temporary connection to that category of consumer or (b) the applicable UI charges whichever is higher”.

3. Amendment of regulation 12 of the Principal Regulations:

In regulation 12 of the Principal Regulations:

(I) for clause (b), the following clause shall be substituted, namely:

“(b) The application shall be accompanied by a non-refundable application registration fee

- i. of Rs.5000/- (five thousand) in the case where the open access transaction relates to conventional energy sources; and
- ii. of Rs. 200/- (two hundred) per MW subject to a maximum of Rs.5000/- (five thousand) in the case where the open access transaction relates to non-conventional and renewable sources of energy including co-generation,
payable in the manner to be decided by the STU”.

(II) for clause (f), the following clause shall be substituted, namely:

“(f) After the feasibility is established and prior to execution of agreement:-

- i. a sum of Rs.50,000 (fifty thousand) in the case where the open access transaction relates to conventional energy sources; and
- ii. a sum of Rs. 2000/- (two thousand) per MW subject to a maximum of Rs.50,000/- (fifty thousand) in the case where the open access transaction relates to non-conventional and renewable sources of energy including co-generation

shall be payable to the nodal agency towards the open access agreement fee.”

(By Order of the Tamil Nadu Electricity Regulatory Commission)

R.Balasubramanian
Secretary