

HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION, SHIMLA NOTIFICATION

Shimla, the 6th December, 2017

No. HPERC/438.- The Himachal Pradesh Regulatory Commission, in exercise of the powers conferred by sub-section (1) of section 62, section 66, clauses (a),(b) and (e) of section 86 and clause (zi) of sub-section (2) of section 181 of the Electricity Act, 2003 (36 of 2003), and all other powers enabling it in this behalf, after previous publication, hereby makes the following amendment regulations, namely:-

REGULATIONS

1. Short title and commencement. - (1) These regulations may be called the Himachal Pradesh Electricity Regulatory Commission (Renewable Power Purchase Obligation and its Compliance) (Fourth Amendment) Regulations, 2017.

(2) These regulations shall come into force from the date of their publication in the Rajpatra, Himachal Pradesh.

2. Amendment of Regulation 4.-

In the sub-regulation (3) of regulation 4 of the Himachal Pradesh Electricity Regulatory Commission (Renewable Power Purchase Obligation and its Compliance) Regulations, 2010, (hereinafter referred as “the said regulations”), the following proviso shall be inserted in between the existing second and third provisos, namely:

“Provided further that the quantum of electricity generated by the consumer through roof-top solar PV system under net metering arrangement in any year, shall qualify towards compliance for solar RPPO of the Distribution Licensee or the consumer, as the case may be, for that year in accordance with the provisions contained in Himachal Pradesh Electricity Regulatory Commission (Rooftop Solar PV Grid Interactive Systems based on Net Metering) Regulations, 2015.”

3. Amendment of Regulation 6.- After the existing sub-regulation (2) of regulation 6 of the said regulations, the following sub-regulation (2 A) shall be added, namely:-

“(2A) (i) The State Agency shall, in consultation with the Commission, develop and maintain RPPO web-portal for registration by the obligated entities and for the compliance, monitoring and reporting etc. of RPPOs and simultaneously also formulate suitable procedures for smooth functioning of web-portal in relation to such activities.

(ii) The State Agency after the RPPO web-portal is developed and procedures are formulated under clause (i), shall, through public notices, declare the web-portal to be operative.”

4. Substitution of Regulation 7.- For existing regulation 7 of the said regulations, the following shall be substituted, namely:-

“7. Registration and reporting by the obligated entities.- (1) The obligated entities, including those already registered off line with the State Agency, shall mandatorily register themselves online on RPPO web-portal within three months from the date on which the RPPO web-portal is

declared, under clause (ii) of sub-regulation (2A) of regulation 6 to be operative, or from the date on which the entity qualifies for being an obligated entity under these regulations whichever is later and shall also furnish requisite information, on quarterly and annual basis as per the procedures, formulated by the State Agency under clause (i) of sub-regulation (2 A) of regulation 6.

(2) The obligated entities shall submit, online, necessary details regarding total consumption of electricity and power purchased from Renewable Energy Sources or Renewable Energy Certificate(s) procured, alongwith the reasons for shortfalls, if any, and the plans for fulfillment of RPPO as well as any other information as the State Agency may require, on quarterly basis before the end of the sixth week of the succeeding quarter and annual consolidated report on or before the 15th May of the succeeding year:

Provided that till such time the RPPO web portal becomes fully operative under clause (ii) of sub-regulations (2A) of regulation 6 such information shall be submitted alongwith its hard copy to the State Agency.

(3) The State Agency shall get the data submitted by the obligated entity, other than the Distribution Licensee, verified from the appropriate authorities viz the Nodal Agency in case of Open Access consumers and the officers designated by the Distribution Licensee in case of the captive consumers:

Provided that the State Agency, if it finds appropriate, may, in consultation with the Commission, also appoint the third party verifier, for verification of the data of the obligated entities.

(4) Save as provided in sub-regulations (2) and (3) of this regulation, each distribution licensee shall also indicate, along with sufficient proof thereof, the estimated quantum of purchase from renewable sources for the ensuing year in tariff/annual performance review petition in accordance with regulations made by the Commission. The estimated quantum of purchase shall be in accordance with sub-regulation (1) of regulation 4 of these regulations.”

5. Substitution of Regulation 8.- For the existing regulation 8 of the said regulations, the following shall be substituted, namely:-

“8. Fulfillment of RPPOs.- (1) The quantum of RPPO inclusive of transmission and distribution losses mentioned in sub-regulation (2) of regulation 4 shall be applicable to captive and open access user(s)/ consumer(s) from the date made by the Commission in the Official Gazette.

(2) The obligated entities shall meet the RPPOs on quarterly and yearly basis as per provisions specified in regulations 4 and 5 of these regulations.

(3) The shortfall, if any, in the compliance of RPPOs in any year shall, unless such shortfall occurred due to non-availability of Renewable Energy Certificates (RECs) in the year in which such shortfall occurred, not be allowed to be carried forward to, or subsequent yearly adjustment against the surpluses of any subsequent year(s).

(4) Failure on the part of any obligated entity to meet its RPPO in any year shall be dealt in accordance with the provisions contained in regulation 9 of these regulations.”

5. Amendment of Regulation 9.- (i) In sub-regulation (1) of regulation 9 of the said regulation, for the words “ forbearance price”, shall be substituted with words “floor price”.

(ii) In regulation 9 of the said regulations, for sub-regulation (2), the following shall be substituted, namely:-

“(2) Where any obligated entity fails to furnish requisite information, as provided under regulation 7, or fails to comply with the obligation to purchase the required percentage of power from renewable energy sources as provided under these regulations or fails to purchase the renewable energy certificates, it shall also be liable for penalty as may be imposed by the Commission under Section 142 of the Act:

Provided that in case of genuine difficulty in complying with the renewable power purchase obligation because of non-availability of certificates, the obligated entity can approach the Commission to carry forward the compliance requirement to the next year:

Provided further that where the Commission has consented to carry forward of compliance requirement, the provisions of sub-regulation (1) or the provisions of section 142 of the Act shall not be invoked.”

By order of the Commission

Sd/-
Secretary