

ARUNACHAL PRADESH STATE ELECTRICITY REGULATORY COMMISSION - ORDER

Dated 11.04.2012

Arunachal Pradesh State Electricity Regulator Commission (Renewable Power Purchase Obligation and its Compliance) Regulations, 2012 (Summary of Order)

Sl. No.	Description	Summary of Regulations																				
1.	Title	Renewable Power Purchase Obligation and its Compliance Regulation, 2012																				
2	Date of enforcement	From the date of their publication in the Gazette of Arunachal Pradesh.																				
3	Applicability of RPPO	(1) The distribution licensee (2) Any other person consuming electricity- (i) Generated from Captive Generating Plant having capacity of 1 MW and above for his own use; and/ or (ii) procured from generation through open access third party sale																				
4.	Quantum of Renewable Power Purchase Obligation (RPPO)	<p>4.1 (a) Distribution Licensee to purchase electricity(in kWh) at a defined minimum percentage (as given below) of the total consumption including T&D losses, within the area of the distribution licensee during a year (b) Captive open access user(s)/ consumer(s) shall purchase electricity at a defined minimum percentage (as given below) of the total consumption.</p> <p style="text-align: center;">Defined Minimum Percentage</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Year</th> <th colspan="3">Minimum Quantum of purchase (in %) from renewable sources (in terms of energy in kWh) of total consumption</th> </tr> <tr> <th>(1)</th> <th>Total (2)</th> <th>Non Solar (3)</th> <th>Solar (4)</th> </tr> </thead> <tbody> <tr> <td>2012-13</td> <td>4.2%</td> <td>4.1%</td> <td>0.1%</td> </tr> <tr> <td>2013-14</td> <td>5.6%</td> <td>5.45%</td> <td>0.15%</td> </tr> <tr> <td>2014-15</td> <td>7 %</td> <td>6.8%</td> <td>0.2%</td> </tr> </tbody> </table> <p>- Provided that the solar power purchase obligation shall be fulfilled from the generation based on solar sources only - Provided that such obligation to purchase RE shall be inclusive of : (i) Purchase from generating stations based on RE sources (ii) Purchase from any other distribution licensee which would arise from renewable source (iii) The energy generated from its own renewable source if any, by the obligated entity - Provided that the power purchase under the PPA for the purchase of RE source already entered into by the distribution licensee shall continue to be made till their present validity, even if the total purchase under such agreement exceeds the percentage as specified herein before</p> <p>4.2 Keeping in view supply constraints or other factors beyond the control of licensee, the commission may suo-motu or at the request of licensee, revise the percentage target for a year as per sub –regulation 4.1 of this regulation.</p> <p>4.3 RPO specified for the financial year 2014-15 shall continue beyond 2014-15 till any revision by the Commission.</p>	Year	Minimum Quantum of purchase (in %) from renewable sources (in terms of energy in kWh) of total consumption			(1)	Total (2)	Non Solar (3)	Solar (4)	2012-13	4.2%	4.1%	0.1%	2013-14	5.6%	5.45%	0.15%	2014-15	7 %	6.8%	0.2%
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5.	Certificates under the regulation of Central Commission	(1) Subject to the terms and conditions contained in these Regulations the certificate issued under CERC (Terms and conditions for recognition and issuance of Renewable Energy Certificates for Renewable Energy Generation) Regulation 2010 shall be the valid instruments for the discharge of the mandatory obligations set out in these regulations for the obligated entities to purchase electricity from RE Sources																				

		<p>Entity fulfilling the RPO by purchase of certificates, the obligation to purchase electricity from generation from solar as renewable energy source can be fulfilled by purchase of solar certificates only and the obligation to purchase electricity from generation based renewable energy other than solar can be fulfilled by purchase of non solar certificates.</p> <p>(2) Subject to such direction as the Commission may give from time to time, the obligated entity shall act consistent with the CERC Regulations, 2010</p> <p>(3) Certificates purchased by the obligated entities from the power exchange in terms of regulation of the CERC mentioned at above shall be deposited by the obligated entities with Commission in accordance with detailed procedure issued by central agency</p>
6	State Agency and its Functions	<p>(1) Arunachal Pradesh Energy Development Agency (APEDA) is the state agency for accreditation and recommending the RE projects for registration with Central Agency and to undertake the following functions:</p> <p>(a) Frame the procedure consistent with the procedure framed by the central agency to meet the requirement of these regulations</p> <p>(b) Accreditation of eligible entities at State level and recommending them to Central agency for registration at the central level</p> <p>(c) Maintaining and setting accounts in respect of certificates</p> <p>(d) Repository of transaction in certificates</p> <p>(e) Other functions incidental to the implementation of REC mechanism as may be assigned by the Commission from time to time.</p> <p>(2) To function as per the direction of Commission and shall act consistent with the procedure and rules laid by Central Agency for discharge of its function under CERC Regulation 2010</p> <p>(3) To develop formats for quarterly progress report in respect of compliance of RPO by the obligated entities and get it them approved by the Commission within 3 months of issue of the regulation.</p> <p>(4) If the commission is satisfied that the state agency is not able to discharge its functions satisfactorily, it may designate any another agency to function as state agency as it considers appropriate.</p>
7	Distribution Licensee	<p>(1) The estimated quantum of purchase from RE Sources shall be in accordance with the item 4 (1) of these regulation. If the distribution license is unable to fulfill the obligation, the short fall of the specified quantum of the purchase for that year would be added to the specified quantum of the next year However credit for excess RPO would not be adjusted in the ensuing year</p> <p>(2) Despite availability of energy from RE Sources under PPA/Power exchange mechanism/own RE Sources/purchase of certificates, if the distribution licensee fail to fulfill the minimum quantum of purchase from renewable source, it shall be liable to pay compensation as per these regulations.</p>
8	Captive and Open Access User(s)/ Consumer(s)	<p>(1) The quantum of RPPO inclusive of T&D losses mentioned at 4.1 above shall be applicable to captive and open access user(s) from the date of this notification in the Official Gazette.</p> <p>(2) Every captive and open access consumer(s) / user(s) have to submit details regarding total consumption of electricity and power purchase from RE Sources for fulfillment of RPPO on yearly basis on or before 30th April to the State agency.</p> <p>(3) If the Captive/ Open Access consumer(s)/ User(s) fail to fulfill the minimum quantum of purchase from renewable source, it shall be liable to pay compensation as per these regulations Captive/ Open Access consumer(s)/ User(s) may fulfill its RPPO through the renewable energy certificates as per item 5 above.</p>
9.	Consequence of default	<p>(1) If the obligated entity does not fulfill the RPO as provided in these regulations during any year and also does not purchase the certificate, the commission may direct the obligated entity to deposit into a separate fund to be created and maintained by such obligated entity, such amount as the commission may determine.</p> <ul style="list-style-type: none"> • The fund so created shall be utilized , as may be directed by the commission partly for purchase of the certificates and partly for development of transmission/ sub transmission infrastructure for evacuation of power from generating stations based on renewable energy sources

		<ul style="list-style-type: none"> • The obligated entities shall not be authorized to use the fund created in pursuance of regulation without prior approval of the commission • Commission may empower an officer of the State Agency to procure from the Power Exchange the required number of certificates to the extent of the shortfall in the fulfillment of the obligations, out of the amount in the fund • Distribution licensee shall be in breach of its licence conditions if it fails to deposit the amount directed by the Commission within 15 days of the communication of the direction. <p>(2) Where any obligated entity fail to comply with the obligation to purchase the required percentage of power from REC, it shall also be liable for penalty as may be imposed by the Commission under section 142 of the Act</p> <ul style="list-style-type: none"> • In case of genuine difficulty in complying with the RPO 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 provision of sub-regulation (1) or the provision of section 142 of the Act shall not be invoked.
10	Overriding Effect	Provisions of these regulations shall have effect notwithstanding anything inconsistent contained in any other regulations, framed by the Commission, relating to the determination of tariff, and/or making provisions for open access under the Act
11.	Power to remove difficulties	Powers vested with the commission
13	Saving of Inherent Powers of the Commission	Powers vested with the commission
14.	Interpretation	All issues arising in relation to interpretation of these regulations shall be determined by the commission and the decision of the Commission on such issues shall be final