

BIHAR ELECTRICITY REGULATORY COMMISSION

BERC Renewable Purchase Obligation, its Compliance and REC Implementation Regulations, 2010- Notification dated 18.11.2010 and 7.9.2012

(Summary of Order)

Sl. No	Description	Summary of Regulations												
1.	Title	Renewable Power Purchase Obligation its Compliance and REC Implementation Regulation-2010 with 1 st Amendment dated 7.9.2012												
2	Date of enforcement	Regulations to come into force from the date of their publication in the official Gazette												
3	Applicability	Throughout the state of Bihar Applicable to <ul style="list-style-type: none"> • Distribution licensee • Any other person consuming electricity (a) generated from conventional Captive Generating Plant having capacity of 5MW and above for his own use and or (b) procured from conventional generation through open access and third party sale.												
Renewable Power Purchase Obligation (RPPO)														
4.1		<table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">Year</th> <th style="text-align: center;">RPO</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">2010-11</td> <td style="text-align: center;">1.5%,</td> </tr> <tr> <td style="text-align: center;">2011-12</td> <td style="text-align: center;">2.5%,</td> </tr> <tr> <td style="text-align: center;">2012-13</td> <td style="text-align: center;">4%,</td> </tr> <tr> <td style="text-align: center;">2013-14</td> <td style="text-align: center;">4.5%</td> </tr> <tr> <td style="text-align: center;">2014-15</td> <td style="text-align: center;">5%</td> </tr> </tbody> </table> <p>Provided that:</p> <ul style="list-style-type: none"> • 0.25% out of the RPO in the year 2012-13 to be procured from solar generation to increase @ 0.25% every year thereafter till 2019-20 and by 0.5% in 2020-21 as well in 2021-22. • Obligation to purchase renewable energy shall be inclusive of the purchases, if any, from RE sources already being made by concerned obligated entity. • Power purchases under PPA already entered into by the distribution licensees and consented to by the Commission shall continue to be made till their present validity, even if the total purchases under such agreements exceed the percentage as specified hereinabove 	Year	RPO	2010-11	1.5%,	2011-12	2.5%,	2012-13	4%,	2013-14	4.5%	2014-15	5%
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4.2		If, Licensee is not able to meet RPO from sources located in the State, they shall have the option of purchase, the shortfall from outside the State. The energy generated from renewable sources in the State which is used by generator itself or sold to third party under open access, the same will be considered under the mandatory minimum percentage of power purchase												
5.	Procurement of RE Certificates under CERC Regulations, 2010(Fulfillment of RPO)	<ul style="list-style-type: none"> • Certificates purchased under for CERC Regulations, 2010 shall be the valid instruments for the discharge of the mandatory obligations • In case the obligated entity fulfilling the RPO by purchase of certificates, the obligation to purchase electricity from RE sources other than solar can be fulfilled by purchase of non-solar certificates • Obligation to purchase electricity from solar generation can be fulfilled by purchase of solar certificates only. • If solar certificates are not available in a particular year, additional non-solar certificate shall be purchased for fulfillment of RPO. • RE certificates purchased by the obligated entity(s) from the power exchange to be deposited with the Commission within a month of the purchase of the certificate. 												

<p>6</p>	<p>State agency</p>	<ul style="list-style-type: none"> • State agency to function in accordance with directions issued by the Commission and shall act in consistent with the procedures/ rule laid by central agency for discharge of its function under CERC Regulations, 2010 • State agency to submit quarterly status to the commission in respect of compliance of RPPO by the obligated entity(s) as per stipulated format. • If the commission is satisfied that the state agency is not able to discharge its functions satisfactorily, it may by general or special order and by recording reasons in writing, designate any another agency to function as state agency as it considers appropriate.
<p>7</p>	<p>Distribution Licensee</p>	<ul style="list-style-type: none"> • Each distribution licensee to indicate, along with proof the estimated quantum of purchase from RE sources • If the distribution licensee is unable to fulfill the obligation, the shortfall of the specified quantum of that year to be added to the next year. However, credit for excess purchase from RE sources would not be adjusted in the ensuing year. • Despite availability of RE sources, if distribution licensee fails to fulfill the minimum quantum of purchase from RE sources, it shall be liable to pay compensation as per clause 9 of these Regulations
<p>8.</p>	<p>Captive and Open Access User(s) / Consumer(s)</p>	<ul style="list-style-type: none"> • Quantum of RPO mentioned in clause 4.1 shall be applicable to captive and open access user(s) / consumer(s) also. • In case they are unable to fulfill the criteria as specified in clause 7 above the shortfall of the targeted quantum would attract payment of regulatory charge as pre clause 9 of the Regulations. • Captive / Open Access consumer(s) / User(s) to fulfill its RPO through the REC as provided in clause 5 above.
<p>9.</p>	<p>Effect of Default</p>	<ul style="list-style-type: none"> • If an obligated entities does not fulfill the RPO during any year and also does not purchase the certificates, 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 on the basis of the shortfall in units of RPO and the forbearance price decided by the Central Commission • Where any obligated entity fails to comply with the obligation to purchase the required percentage of power from RE sources or REC, it shall also be liable for penalty as may be decided by the Commission For detail refer Regulations