

TSOADA

TELANGANA SOLAR OPEN ACCESS DEVELOPERS ASSOCIATION

Regn.No.1191 OF 2016

To,
The Secretary,
TSERC, 5th Floor, 11-4-660, Singareni Bhavan,
Red Hills, Hyderabad - 500 004

Date: 25-01-2023

Dear Sir,

Sub:- Submission of comments, objections and suggestions on the proposals of TSSPDCL (OP No.75 of 2022 for TSSPDCL, OP No.76 of 2022 for TSNPDCL) **in the matter of determination of Additional Surcharge (AS) to be levied for the H1 of FY 2023-24** in respect of the open access consumers (OA) as per directions of Hon'ble Commission in its order dated 18.09.2020 in O.P.No.23 of 2020 in accordance with provisions of Electricity Act' 03 and National Tariff Policy'16- Reg.

Ref:- (1) O. P. No. 23 of 2020 Dated 18.09.2020
(2) Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022, Dated: 06.06.2022
(3) Telangana Solar Open Access Developers Association Submission of comments, objections and suggestions on the proposals of TSSPDCL & TSNPDCL in the matter of determination of Additional Surcharge (AS) to be levied on Open Access (OA) users for the 2nd half (H2) of FY2022-23, Dated: 08.08.2022
(4) O.P.No.55 & 56 of 2022, Dated: Dated 27.09.2022
(5) Our Representations Dated: 13.10.2022 & 20.01.2023.
(6) Public notice inviting comments, objections and suggestions in OP No.75 of 2022 & OP No.76 of 2022

TS DISCOMS have once again made ASS calculation a laughingstock, for reasons already explained in last hearing. ASS is provided for in EA, 2003 for recovering the fixed cost commitments of DISCOMS due to capacity stranded due to Open Access. How can such cost be more than the retail tariff at which they are otherwise willing to supply to the same consumers including APPC, all T&D charges and losses, is beyond logic and understanding.

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Vide ref (4) cited, commissioned expressed following view in respect of ASS orders related to H2 of FY22-23:

“The Commission takes note of the submission of the stakeholder on the applicability of AS on Green Energy Open Access Consumers as per the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022. In terms of Rule 5(1) of the said Rules, 2022 the Commission is in the process of amending the relevant regulations”

Vide ref (5) cited, we have further requested your good office to expedite the process as delays in making amendments would cause irreparable damage to the green generators and further adding up to existing litigations with DISCOMs.

We also brought to the notice to this Hon’ble commission that several other state regulatory commissions have already published draft amendment open access regulations to effect GOI rules published vide ref (2) cited.

A Public Notice, Explanatory memorandum, and draft amendments of Punjab State Electricity can be found at [“https://pserc.gov.in/pages/Public-Notice-MYT-18.11.2022.pdf”](https://pserc.gov.in/pages/Public-Notice-MYT-18.11.2022.pdf) Relevant clauses were enclosed along with the letter submitted vide ref (5) cited dated:20-01-2023.

In light of this, we are of the opinion that the current ASS petitions should be withheld till ASS exemption on green project guidelines are notified by TSERC or until TSERC amends its relevant regulations.

Vide ref (6) cited, TS DISCOMS have made proposals for levy of ASS for H1 of FY2023-24 without any exemption to Solar Green Projects in line with Electricity Rules’2022, dated:06.06.2022.

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While Rule 5(1) of the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 imposes a duty on the appropriate commissions to amend the relevant regulations made by it, ensuring that they are consistent with these rules. As such, the said rules shall come into force on the date of their publication in the Official Gazette, i.e., 6th June 2022. Despite this, the Hon'ble commission had passed an order for H2_FY22-23 without regard to these rules but with the above-mentioned view.

To prevent solar generators from being burdened due to administrative delays in the Hon'ble commission's administrative functions, this Hon'ble commission should pass an ASS exemption for solar projects until the relevant regulations are amended duly instructing DISCOMs to refund all ASS levies made so far from 06.06.2022 as it is a legitimate right to seek exemption from date the rules come into force. Otherwise, open access solar developers will be left with no choice than to seek necessary judicial intervention towards exemption/refund.

For Telangana State Solar Developers Association,

Authorized Signatory.



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Copy Communicated to:-

- 1) The Chairman/TSERC,
- 2) The Member/Technical/TSERC,
- 3) The Member/Finance/TSERC
- 4) The CGM (Comml & RAC)/TSSPDCL/Hyderabad
- 5) The CGM(IPC&RAC/TSNPDCCL)/Warangal

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