



TELANGANA STATE ELECTRICITY REGULATORY COMMISSION HYDERABAD
5th Floor, Singareni Bhavan Lakdi-ka-pul Hyderabad 500004

O. P. No. 13 of 2020

Dated 06.04.2020

Present

Sri T.Sriranga Rao, Chairman
Sri M.D.Manohar Raju, Member (Technical)
Sri Bandaru Krishnaiah, Member (Finance)

Between:

1. Southern Power Distribution Company of Telangana Limited,
6-1-50, Mint Compound, Hyderabad, Telangana – 500 063.
2. Northern Power Distribution Company of Telangana Limited,
H.No.2-5-31/2, Corporate Office, Vidyut Bhavan,
Nakkalgutta, Warangal – 506 001. Petitioners

AND

-Nil-

.... Respondent

The application having stood over for consideration to this day, the Commission passed the following:

ORDER

The distribution licensees in the state of Telangana (TSDISCOMs) being the petitioners Southern Power Distribution Company of Telangana Limited (TSSPDCL) and Northern Power Distribution Company of Telangana Limited (TSNPDCL) have filed a petition under clause 12 of Andhra Pradesh Electricity Regulatory Commission (APERC) Electricity Supply Code Regulation, 2004 (Regulation No.5 of 2004), clause 24 of APERC Terms and Conditions of Open Access to Intra State Transmission and Distribution Networks Regulation, 2005 (Regulation No.2 of 2005), and clause 11 of APERC (Licensees' duty for supply of electricity on request and recovery of expenses for providing Electrical Line or Electrical Plant) Regulation, 2013 (Regulation No.4 of 2013), read with applicable general terms and conditions of

supply as adopted by the Commission in its Regulation No.1 of 2014 as also clause 12 of the TSERC (Licensees' Standards of Performance) Regulation, 2016 (Regulation No.5 of 2016), clause 26.3 of the TSERC Terms and Conditions of Generation Tariff Regulation, 2019 (Regulation No.1 of 2019) seeking to provide certain relaxations from performance of services as per the regulations mentioned above which are not directly related to maintaining continuity of power supply.

2. The petitioners have stated as under in the petition.
 - a) In order to contain the rapid spread of Corona virus (COVID-19) pandemic in the Country, the Central Government (GOI) and the Government of Telangana (GoTS) have announced lockdown on 22.03.2020 till 14.04.2020 vide G. O. Ms. No. 45, dated 22.03.2020. The Government has imposed strict restrictions on the movement of general public and advised people to stay indoors and maintain social distancing.
 - b) Electricity being essential service is exempted from such restrictions and maintenance of uninterrupted power supply needs to be ensured by the petitioners. Apart from maintaining continuous electricity supply, petitioners have to perform various consumer services such as meter reading, bills distribution, bills collection, etc., which involves public interface. All these activities are required to be performed as per the procedure prescribed under Regulation No. 5 of 2004.
 - c) Further time bound services which also involves public interface such as release of new service connections, extension of additional loads, redressal of various consumer grievances, etc., are to be addressed in stipulated time failing which the petitioners are liable to pay compensation as prescribed under Regulation No. 5 of 2016.
 - d) It is stated that in view of COVID-19, the petitioners will not be able to perform certain activities/duties as mandated in the Regulation No.5 of 2004 and Regulation No.5 of 2016 till the lockdown is lifted in the state of Telangana.
 - e) Hence, in order to ensure implementation of the GoI and GoTS directives to ensure social distance to control the spread of COVID-19 and in order to minimize the public interface of petitioner's personnel, the petitioners stated they have filed the present petition requesting to provide certain relaxations to

the petitioners from discharge of services as per the regulations mentioned above which are not directly related to maintaining continuity of power supply.

- f) In addition to the above, the clause 14 (a) of the Regulation No. 1 of 2019 prescribes the delayed payment charges to be levied by the generation entity in case the bill payment by the beneficiary is delayed beyond 60 days from the date of billing at the rate of 1.25% on the billed amount for the period of delay.
- g) Keeping in view the country wide lockdown on account of COVID-19, certain major relief measures for power sector are approved by the Ministry of Power (MoP), GoI, one of which is directing the Central Electricity Regulatory Commission (CERC) to provide a moratorium of three months to petitioners (DISCOMs) to make payments to generating companies and transmission licensees and not to levy penal rates of late payment surcharge. Hence, it is essential to provide relaxation to the clause 14 (a) of Regulation No. 1 of 2019.
- h) Further, clause 10 & 11 of Regulation No. 2 of 2005 stipulates the timelines for processing the long-term and short-term applications and clause 8 of CERC (Open Access in inter State Transmission) Regulation, 2008, formulates the timelines for processing the bilateral and collective open access transactions in interstate transmission network. However, due to this lockdown effect, the feasibility studies for open access permission cannot be carried out within the stipulated timeframes as petitioners are entrusted to maintain continuous power supply in this pandemic period and the network is to be completely allocated and maintainable for the supply of power to the consumers of the petitioners on high priority under Section 43 of the Electricity Act, 2003 (Act, 2003).
- i) The petitioners therefore propose to avail the following relaxations to the said regulations till such time GoTS order imposing restrictions on account of COVID-19 is in force.

3. The petitioners have raised specific issues on each of the regulation seeking exemptions from compliance of the regulations as below:

A. Supply Code Regulation No .5 of 2004

- a. The petitioners shall suspend the non-essential services which require visiting consumer premises or meeting consumer in person that is meter reading, billing, bill collection at manual bill payment counters, etc.
- b. Due to absence of meter reading, the billing for the month of April 2020 for LT consumers shall be estimated and levied as per the following procedure.
 - i) **For LT-I Domestic, LT-VI (A) Street Lighting and LT-VI (B) Protected Water Supply (PWS) Schemes category consumers:** The demand shall be raised equivalent to the CC Bill amount for the month of April-2019 for the consumers who are existing in the month of March-2019.
 - ii) **For LT-I Domestic, LT-VI (A) Street Lighting and LT-VI (B) PWS Schemes category consumers released after 01.04.2019 to 29.02.2020:** The demand shall be raised equivalent to the CC bill amount for the month of March-2020.
 - iii) **For LT-I Domestic, LT-VI (A) Street Lighting and LT-VI (B) PWS Schemes category consumers released during the month of March 2020:** The minimum demand shall be raised for the month of April-2020.
 - iv) **For all other LT categories (except LT-V Agriculture):** The demand shall be raised for equivalent to 50% of the CC bill amount for the month of April-2019 for the consumers who are existing in the month of March-2019.
 - v) **For all other LT Categories (except LT-V Agriculture) released after 01.04.2019 to 29.02.2020:** The demand shall be raised for equivalent to 50% of the CC bill amount for the month of March 2020.
 - vi) **For all other LT Categories (except LT-V Agriculture) released during the month of March 2020:** The minimum demand shall be raised for the month of April 2020.
- c. The consumers shall be intimated about their estimated bills through digital channels such as SMS / mobile app / website, etc.

B Standard of Performance Regulation No .5 of 2016 and Licensees' duty for supply of electricity on request and recovery of expenses for providing electrical line or electrical plant Regulation No. 4 of 2013

- a. The petitioners shall suspend the non-essential services which require public interface such as release of new service connection, extension of additional loads/reduction of load, transfer of ownership, conversion of services, shifting of meters/service lines, redressal of meter and billing complaints, etc., till 14.04.2020.
- b. The delay occurred due to attending the above services after 14.04.2020 shall not entitle the petitioners for payment of compensation as prescribed in the SOP Regulation, 2016.

C. Terms & Conditions of Generation Tariff) Regulation No. 1 of 2019

In view of the major relief measures for power sector approved by the MoP, Gol, due to lockdown on account of COVID-19, directing the CERC to provide a moratorium of three months to petitioners to make payments to generating companies and transmission licensees and not to levy penal rates of late payment surcharge, the late payment surcharge as prescribed in clause 14(a) shall not be levied upto three months period.

D. Terms and conditions of open access to intra state transmission and distribution networks Regulation 2 of 2005

- a) The timelines stipulated under clauses 10 & 11 of Regulation No.2 of 2005 needs to be surpassed.
 - b) The processing of new open access applications and existing applications for enhancement of open access capacities will be deferred till the restoration of normalcy.
 - c) For the generators who have already synchronized their power plants to the grid and have filed applications for availing long term or short term open access and are awaiting for intimation from nodal agency cannot be considered for deemed banked energy as stipulated under the regulations for this lockdown period as this shall have financial impact on petitioners.
4. The petitioners have sought the following relief in the petition.

“Hence, the licensee humbly prays the Hon’ble Commission to permit the above mentioned relaxations to the Discoms in the prescribed regulations till such time the GoTS restrictions on account of COVID-19 is in force.”

5. The Commission has examined the issue and circumstances that have led to this request. The Commission is of the opinion that it is appropriate to pass an interim order in the given facts and circumstances exercising powers under Section 94 (2) of Act, 2003. The petition is being entertained by the Commission at this stage under special circumstances.

6. The Commission is privy to the fact that the GoI and GoTS have imposed restrictions on the movement of general public and to stop the pandemic of Corona virus and to require all the citizens to stay indoors. They have issued orders and guidelines invoking the provisions of Epidemic Act, 1897 and Disaster Management Act, 2005. However, in the orders and guidelines, while placing restriction on the movement of men and material and requiring all the people to stay indoors, have required certain essential services to continue to function. One of the them is providing electricity on a continuous basis for 24x7 time period.

7. In fact, in the light of the prevailing situation due to the spread of pandemic Covid-19 and measures announced to control the situation by the government, the petitioners are not required to focus on non-essential activities and services. The relevant provision to that effect is extracted below:

“44. Exceptions from duty to supply electricity. Nothing contained in section 43 shall be taken as requiring a distribution licensee to give supply of electricity to any premises if he is prevented from doing so by cyclone, floods, storms or other occurrences beyond his control.”

The directions of the government can be taken to be falling under the phrase ‘other occurrences beyond his control’ in the above said provision. In view of the directions of the government some of the tasks cannot be performed by the petitioners owing to other restrictions placed in the government orders, hence the present petition is rightly filed and there is a need to consider the same.

8. While the electricity has been allowed as an essential service, since the orders and guidelines also require social distancing, therefore the personnel of the petitioners cannot perform certain tasks as set out in the petition and mentioned herein above without they being present physically at the consumer location or field places. Since the government orders are to be in force till 14.04.2020, the said tasks cannot be performed by the petitioners, further, thereafter, depending on the orders of the government only the same shall have to be undertaken by the petitioners.

9. Also, the petitioners have sought relaxation in complying with the timelines of permission to be given to open access consumers, as also their payment of power bills to the generators who have supplied power to them.

10. Accordingly, we deem it appropriate to allow the request of the petitioners with regards to Supply Code Regulation No.5 of 2004 as prayed in the petition, as an interim measure on provisional basis during the lockdown period to ensure the compliance of the government orders and to minimise the loss on account of delay of revenue realisation. The Commission will examine the other prayers of the petitioners at a later date after lifting of the lockdown.

11. The Commission directs the licences to take meter reading in next billing cycle immediately after lifting of the lockdown orders by the GoTS for arriving at actual consumption and to regularise the CC bills raised on provisional basis, as per tariff conditions.

12. This order is passed by the Commission as an interim measure only. The petitioners are directed to place the status of implementation immediately after lifting of the lockdown measures and Commission will decide on such further course of action as may be necessary including passing of the final order duly following the procedure in accordance with Act, 2003 and regulations thereunder.

This order is corrected and signed on this the 6th day of April, 2020.

Sd/-
(BANDARU KRISHNAIAH)
MEMBER

Sd/-
(M.D.MANO HAR RAJU)
MEMBER

Sd/-
(T.SRIRANGA RAO)
CHAIRMAN

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