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NOTIFICATIONS BY HEADS OF DEPARTMENTS, Etc.

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PUBLIC WORKS NOTIFICATIONS

TELANGANA STATE ELECTRICITY REGULATORY COMMISSION, HYDERABAD

No. TSERC/02/2016

Dated 19.03.2016

REGULATION NO. 2 OF 2016

LEVY OF FEES FOR VARIOUS SERVICES RENDERED BY THE COMMISSION

Regulation No.2 of 2016

Under the provisions of the Electricity Act, 2003, (Act, 2003) the Commission has to discharge various functions including the issue of licences, adjudication of disputes between generating companies and Licensees, etc. Section 86(1) (g) of the Act, 2003, empowers the Commission to levy fees for the purposes of the Act, 2003. The Commission accordingly formulates a Regulation indicating the fee to be paid along with Petitions / Applications filed before the Commission, the annual fee to be paid by the Licensees, the fee payable for other miscellaneous activities like inspection of Commission's records, etc.

The comments, objections and suggestions were called by the Commission by placing the draft along with public notice on the website of the Commission. No comments were received by the Commission except that of the distribution licensees conveying their no objection to the draft regulation. Based on such comments, objections and suggestions received by it, the Commission made suitable modifications in certain provisions in the Regulation, wherever considered necessary, thereby final regulation is notified as follows:

In exercise of powers conferred on it under section 86 (1) (g) read with Section 181 of the Act, 2003 and all powers enabling it in that behalf, the Telangana State Electricity Regulatory Commission hereby makes the following Regulation.

**TELANGANA STATE ELECTRICITY REGULATORY COMMISSION (FEE)
REGULATION, 2016**

1. Short title and commencement

1. This Regulation may be called the Telangana State Electricity Regulatory Commission (Fee) Regulation, 2016.
2. This Regulation shall extend to the whole of the State of Telangana.
3. This Regulation shall come into force on the date of its publication in the Telangana State Gazette or from 01.04.2016, whichever is later

2. Definitions – In this Regulation, unless the context otherwise requires:

- (1) "Act" means the Electricity Act, 2003
- (2) "Licensee" means a person who has been granted a licence under section 14 of the Act;
- (3) "Exemptee" means a person who has been granted exemption under section 13 of the Act;
- (4) "generating company" means any company or body corporate or association or body of individuals, whether incorporated or not, or artificial juridical person, which owns or operates or maintains a generating station;
- (5) "trading" means purchase of electricity for resale thereof and the expression "trade" shall be construed accordingly;
- (6) Words and expressions used and not defined in this Regulation shall have the same meaning as assigned to them in the Act and in the absence of any definition in the Act the meaning as commonly understood in the electricity supply industry.

3. Applicability

- (1) Every petition / application filed before the Commission except an application made for grant of licence (Transmission, Distribution, Retail Supply and Trading) under section 14/ exemption under section 13 of the Act shall be accompanied by the appropriate fee as specified in this Regulation.
- (2) Every application for grant of licence (Transmission, Distribution, Retail Supply and Trading) under section 14 of the Act shall be filed along with such fee as may be prescribed by the Government of Telangana(GoTS) from time to time under section 15 (1) of the Act.
Provided that such fee is also applicable to applications made by applicants claiming deemed licensee status.
- (3) Every Licensee and Exemptee shall pay the Annual fee as specified in this Regulation.
- (4) Miscellaneous activities like supply of certified copies of documents /records / orders of the Commission, inspection of the records and material in the possession of the Commission (if permitted) shall be subject to payment, of such fee in advance, as specified in this Regulation or such fee imposed by the Commission within the limit specified therein.
- (5) The Commission may in its discretion dispense with the requirement of any of these regulations in specific cases including reduction of fee or total waiver of fee.

4. (1) Fee to be paid with application(s) for License or Exemption:**Type of application**

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| (a) Application for grant of a transmission/distribution/ retail supply and trading licence. | As fixed by the State Govt. from time to time (presently Rs.30,000/-). |
| (b) Application for Exemption from licence. | Same as at (a) above. |

(2) Annual Licence Fee to be paid by Licensees:**Type of Licence**

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| (a) Transmission Licence. | Rs.2,000/- per MW of the allocated capacity. |
| (b) Distribution Licensee / Deemed Licensee | Re. 0.0015 per each unit of energy (KWH) to be handled during the year. |
| (c) Exempted from licence. | Re. 0.0015 per each unit of energy (KWH) to be handled during the year. |
| (d) Trading Licence. | As specified by TSERC as per the adopted regulation being the APERC (Intra State Electricity Trading) Regulation 2005 and as amended by TSERC from time to time |

Notes: 1. 'Allocated capacity' in respect of a transmission licensee means the capacity considered in the Tariff Order of the Commission for the relevant year for computation of transmission charges.

2. The annual fees are payable within 15 days of the commencement of a financial year. Any delay shall attract ainterest of 1.5% per month or part thereof.

(3) Fees to be paid with application for determination of tariff:

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| (a) Generating Companies. | Rs. 20,000/- per MW for conventional generators with a maximum of Rs. 150 lakhs. Rs.15,000/- per MW for renewable generators with a maximum of Rs.125 lakhs. |
| (b) Licensees / Exemptees. Deemed Licensees | Nil. Covered in the annual licence / exemption fees payable as per sub-clause (2) above. |

(4) Fees to be paid along with petition for adjudication of disputes and other issues, invoking the provisions of Act, 2003

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| (a) For adjudication of a dispute u/s 33(4) and 86(1)(f) of the Act. | Rs. 40,000/-
If the value of relief sought is more than 100 lakhs, the fee will be Rs.75,000/-. |
| (b) For adjudication on adequacy of Transmission capacity u/s 9 of the Act. | Rs. 50,000/-. |

For petitions under sec 94 (2) (any miscellaneous petition including the restoration petitions filed for recalling the dismissal for default)

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| (c) | By licensees and generators | i) Fee for normal petition not exceeding the value of Rs. 100 lakhs: Rs. 10,000 ii) Fee for normal petition exceeding the value of Rs. 100 lakhs: Rs. 25,000 |
| (d) | By HT consumers depending on billing amount | UptoRs. 50,00,000 the fee is Rs. 5,000 Exceeding Rs. 50,00,000 the fee is Rs. 10,000 Exceeding Rs. 1,00,00,000 the fee is Rs. 25,000 |
| (e) | By licensees and generators petition under sec 142 or 146 | Upto Rs. 2,00,00,000 the fee is Rs. 20,000 Exceeding Rs. 2,00,00,000 the fee is Rs. 30,000 Exceeding Rs. 5,00,00,000 the fee is Rs. 40,000 |
| (f) | By HT consumers depending on billing, petition under sec 142 or 146 | UptoRs. 2,00,00,000 the fee is Rs. 10,000Exceeding Rs. 2,00,00,000 the fee is Rs. 15,000 Exceeding Rs. 5,00,00,000 the fee is Rs. 25,000 |
| (g) | For petitions under any other provisions of the Act not covered by any other provision of this regulation. | |
| (i) | Licensee / Generating Company. | Rs. 25,000/-. |
| (ii) | HT consumers depending on billing | UptoRs. 2,00,00,000 the fee is Rs. 5,000 Exceeding Rs. 2,00,00,000 the fee is Rs. 10,000 Exceeding Rs. 5,00,00,000 the fee is Rs. 20,000 |
| (ii) | Individuals / Consumer organisations. | Rs. 5,000/-. |

(5) Fees to be paid with petition seeking review of Commission's orders

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| a. | For review of orders issued u/s 62 and 64 of the Act / section 26 of the A.P. Electricity Reform Act, 1998 by licensees and generators. | Rs.25,000/- |
| b | For review of orders issued u/s 9, 33(4) and 86(1)(f) by licenses and generators. | Rs.25,000/- |
| c | For review petition under any other provision of the Act by licensees and generators. | Rs.5,000/- |
| d | For review petition under any of the provision of the Act by consumers not falling under a to c.For H T consumers
For L T consumers. | Rs.. 10,000
Rs. 5,000 |

Note:- At the discretion of the Commission the above-mentioned fees will be refundable, in part or in full, if the review petition is allowed in part or in full, as the case may be only in the case of consumers only.

(6) Fee for miscellaneous services

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| a) Inspection of records of the Commission (on permission)
(i) for bulk records
(ii) for others | As decided by the Commission on case to case basis, depending on the report of the office. |
| (b) Supply of certified copies of documents/ records and orders of the Commission | Rs.2/- per page |

(7) Fee for applications, petitions (including review petitions), etc., to be paid by registered consumer organizations, NGOs and individuals seeking to protect/represent common interests of consumers / public at large: **"NIL"**

Note: 1) On questions, if any, whether or not an organization/ individual is seeking to protect/ represent the common interest of consumers/public at large, the decision of the Commission shall be final.

2) No fee is payable for the objections / suggestions made in response to the public notices issued by the Licensees or the Commission or generator on Tariff proposals of Licensees or the Regulations to be framed by the Commission or the tariff proposals of generators or PPAs.

3) This benefit can be claimed / allowed by the Commission only where the submissions and objections are filed in the format prescribed in the Telangana State (Conduct of Business) Regulation, 2015 being Regulation No. 2 of 2015.

4) In the absence of not following clause (3) above the Commission may require payment of a nominal charge of Rs. 50.

6. Mode of Payment of fee

The fee payable to the Commission under this Regulation shall be paid by means of Demand Draft or Banker's cheque, drawn in favour of the Secretary, Telangana State Electricity Regulatory Commission, payable at a Hyderabad branch of any scheduled bank. The amounts up to Rs.1000 can be paid in cash at the office of the Commission.

Provided in appropriate cases, the parties approaching the Commission under the various provisions of the Act, may adopt the modern banking technology like RTGS and NEFT for which they can obtain details required from the office of the Commission.

7. Power to remove difficulties

If any difficulty arises in giving effect to any of the provisions of this Regulation, the Commission may, by general or special order, pass appropriate orders, not being inconsistent with the provisions of the Act, which appear it to be necessary or expedient for the purpose of removing the difficulty.

8. Power to amend

The fee structure specified in clause 4 of this Regulation can be reviewed, cancelled, modified or enhanced by the Commission at its discretion at any appropriate time by a general or specific order notified in the official gazette of Telangana State.

9. Repeal and Savings

- (a) The payment of fee along with petitions / applications pending before the Commission which were filed before the coming into force of the Telangana State Electricity Regulatory Commission Fee Regulation, 2016 shall continue to be governed by the provisions of the earlier Regulation No.1 of 2005 along with the amendments as made by the erstwhile APERC in Regulation No. 11 of 2013 and all other amendments made from time to time, which is adopted by this Commission in Regulation No. 1 of 2014.
- (b) On and from the date of publication of this Regulation in the Official Gazette of the Government of Telangana, the Regulation No.1 of 2005 along with the amendments as made by the erstwhile APERC in Regulation No. 11 of 2013 and all other amendments made from time to time and adopted by the Commission in its Regulation No. 1 of 2014, stands repealed to the extent relating to the Regulation on payment of the fee to the Commission.
- (c) Notwithstanding such repeal any action taken under the said Regulations shall not become invalid and deemed to have been taken under the corresponding provision of the present Regulation, or to the extent, if not provided for in this Regulation, such action shall subsist and deemed to have been taken as if such repeal provision is subsisting.

(BY ORDER OF THE COMMISSION)

Hyderabad,
19.03.2016.

Dr. K. SRINIVAS REDDY,
Commission Secretary
Telangana State Electricity
Regulatory Commission.

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