

**KERALA STATE ELECTRICITY REGULATORY COMMISSION
THIRUVANANTHAPURAM**

NOTIFICATION

No.2114/CT/2010/KSERC

Dated, Thiruvananthapuram 08.12.2010

In exercise of the powers conferred by sub section (1) of section 181 of the Electricity Act, 2003 (Central Act 36 of 2003), and all other powers enabling in this behalf and after previous publication, the Kerala State Electricity Regulatory Commission hereby makes the following Regulation to amend the Kerala State Electricity Regulatory Commission (Conduct of Business) Regulations, 2003, namely.

REGULATIONS

1. Short title and commencement.- (1) These Regulations may be called the Kerala State Electricity Regulatory Commission (Conduct of Business) Amendment Regulations, 2010.
(2) They shall come into force at once.
2. Amendment of Regulations.- In the Kerala State Electricity Regulatory Commission (Conduct of Business) Regulations, 2003,-
 - (i) for clause (2) of regulations 3, the following clause shall be substituted, namely: -

“(2) Unless otherwise directed, the headquarters and other offices of the Commission shall be open daily except on Saturdays, Sundays and holidays notified by the Government of Kerala. The headquarters and other offices of the Commission shall be open at such times as the Commission may direct. The working hours of the Commission shall be from 9.30 hours to 17.30 hours. The lunch break shall be from 13 hours to 13.30 hours.”;
 - (ii) for clause (2) of regulation 26, the following clause shall be substituted, namely:-

“(2). If the commission admits the petition, it may give such orders and directions as may be deemed necessary, for service of notices in form 3A attached hereto or in any other form and in the manner as the Commission may decide, to the respondents and other affected or

interested parties in the petition for filing of replies and rejoinders in support or in opposition of the petition.”;

(iii) after clause (2) of regulation 30, the following clause shall be inserted, namely: -

“(3). Notwithstanding anything contained in clause (1),-

(a). in a proceeding of the Commission for imposing penalty or for taking prosecution, the party shall not be entitled for representative appearance unless specifically permitted by the Commission.

(b). in cases where personal appearance is directed by the Commission to any person for taking evidence of a special nature, such person shall himself appear before the Commission.”;

(iv) in item (c) of Regulation 46, the word “eliminate” shall be substituted by the word “reduce”.

(v) item (c) of Clause (3) of regulation 51 shall be substituted with the following, namely:-

“(c) Domestic consumers;”;

(vi) in regulation 54, the words “at the office of the Commission” shall be deleted.

3. Insertion of Form.- After Form 3 attached to the regulations, the following Form shall be inserted, namely:-

**“FORM 3A
(See regulation 26(3))**

**KERALA STATE ELECTRICITY REGULATORY COMMISSION
THIRUVANANTHAPURAM**

Petition No. _____/20.....

Petitioner:

Respondent:

In the matter of.....

NOTICE

WHEREAS a petition has been filed by the petitioner above named / suo motu proceedings initiated by the Commission, copy whereof is enclosed/copy of which is available in the website of the Commission,;

TAKE NOTICE that you may file your version of the case duly signed (with 6 copies) within twenty one days from the date of receipt of this notice, failing which the petition will be disposed of in your absence. A copy of the version shall be served on the petitioner/respondent and proof of such service shall be filed along with the version. You may enter appearance in person or through authorised agent on the date of hearing.

It is further notified that the above petition is posted for hearing in the venue given below and the petitioner and respondent/respondents is/are requested to be present for hearing with documents if any relied on by you.

Venue: Court Room,
Kerala State Electricity Regulatory Commission,
KPFC Bhavanam, CV Raman Pillai Road,
Vellayambalam,
Thiruvananthapuram-10

Date of hearing:.....

Time:.....

SECRETARY”

4. Substitution of Annex II: - For Annex II attached to the Regulations, the following Annex shall be substituted, namely:-

Annex II

[See Regulation 64 (1)]

KERALA STATE ELECTRICITY REGULATORY COMMISSION

| Sl No | Nature of petition /Application | Fee |
|-------|--|--|
| 1) | Petition for approval of PPA (a) For capacity below 5 MW (b) For capacity of 5 MW and above but below 50 MW (c) For Capacity 50 MW and above but below 100 MW (d) For Capacity 100 MW and above | Rs 2,00,000/- Rs 5,00,000/- Rs 10,00,000/- Rs 15,00,000/- |
| 2) | Petition by the Government of Kerala | Nil |
| 3) | Petition for approval of ARR and ERC, and / or determination /revision of tariff. | 0.02 % of the Annual Revenue expected |
| 4) | Petition for fuel surcharge/special rates for power restriction etc | 0.025% of the increase in annual revenue expected subject to a minimum of Rs.10,000/- |
| 5) | Petition for Truing up | 0.02% of the amount which exceeds the approved ARR subject to a minimum of Rs.10,000/- |
| 6) | Interlocutory application Licensee Others | Rs.5000/- Rs.1000/- |
| 7) | Application for adjudication of dispute under Sec 9, 33 (4), 35, 67 (4) and 86 (1) (f) of the Act. | Rs.20,000/- |
| 8) | Application seeking prior approval under Sec 17 of the Act a) to undertake any transaction to acquire by purchase or take over or otherwise the utility of any other licensee under Sec 17(1)(a) or merge his utility with the other utility or any other licensee in the State under Sec 17 (1)(b) b) to assign his license or transfer his utility or any part thereof by sale, lease, exchange or otherwise at any time under Sec 17(3) | (a) Rs.5,00,000/- (b) Rs.5,00,000/- |

| | | |
|-----|--|--------------------------------------|
| 9) | Application for amendment of Licence under Sec 18 (1) By Licensee (2) Any other person | (1) Rs.1,00,000/- (2) Rs.10,000/- |
| 10) | Application under Sec 35 of Electricity Act, 2003 seeking use of intervening Transmission Line | Rs.20,000/- |
| 11) | Application for approval of Schedule of Charges of a Distribution Licensee under Sec 45 and 46 of the Act. | Rs.1,00,000/- |
| 12) | Review of Tariff Order/ARR Order | Rs.20,000/- |
| 13) | Condonation of delay in filing petitions | Rs.1000/- |
| 14) | Application for inspection of documents | Rs.100/- |
| 15) | Any other petition | Rs.10,000/- |
| 16) | (a)Application for authenticated copies (b)Charges for authenticated copies | Rs.50.00 Rs.3 per page |

By Order of the Commission


SECRETARY

EXPLANATORY NOTE

(This does not form part of the notification, but is intended to achieve to general purport)

Commission has decided to implement five day week in office as in many other Commissions in the Country so as to increase the working hours and help economy.

In proceedings of the Commission for imposing penalty or taking prosecution, it is necessary to give an opportunity to the person against whom the proceedings are initiated. In such cases, the personal presence of such person is a legal requirement in cases where such person desires to explain his case before the Commission. So also when Commission requires the evidence of a special nature, the presence of such person is also essential. Therefore it has been decided to make a provision for the purpose in the regulation.

Amendment to Clause (c) of regulation 46 is necessary consequent on the amendment to the Electricity Act, 2003 by Act 26 of 2007.

It has been decided to include a representative of domestic consumers also in the State Advisory Committee constituted under Section 87 of the Act.

At present there is no specific provision in the regulation to conduct the State Advisory Committee meetings in places other than in the office of the Commission. Therefore it is necessary to make provision in the regulation to enable the conduct of such meetings in other places in Thiruvananthapuram.

It has been decided to prescribe a format to issue notice to the parties to the proceedings.

Among the tasks entrusted with the Commission, the empowerment of consumers about their rights and duties for effective regulatory intervention is important. As part of effective regulation, the Commission has to engage independent third party studies on many financial and technical issues on the licensees. The number of licensees in the State has increased and many new issues are coming before the Commission for decision. The number of cases before APTEL, High Court of Kerala and Supreme Court of India has also

increased. Thus the volume of work has increased manifold since the inception of the Commission, which requires corresponding increase in human and financial resources of the Commission. Hence it is necessary to enhance the fees and charges which were fixed in 2003 at the inception of the Commission. While enhancing the existing fees, the Commission also taken into consideration the fees and charges levied by other State Commissions.

The amendment is intended to achieve the above object.