

ORISSA ELECTRICITY REGULATORY COMMISSION

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PUBLIC NOTICE

Sub: Previous publication for amendment of existing OERC (Licensee's Standard of Performance) Regulation, 2004.

In exercise of power conferred on it under Section 181 of the Electricity Act, 2003, the Orissa Electricity Regulatory Commission has framed the Orissa Electricity Regulatory Commission (Licensee's Standard of Performance) Regulation, 2004 vide Extraordinary Gazette Notification No.711 dt.28.05.2004 and it is in force. The Forum of Regulators (FOR) constituted under Section 166 (2) of the Electricity Act, 2003 have now proposed a Model Standard of Performance of Regulations for the Distribution Licensees. To make compatibility with the recommendation of the FOR, the Commission proposes to amend the above Regulation.

The Commission hereby notifies the amendments of the said Regulations for information of the general public.

The amendments suggested are available in the Commission's website: www.orierc.org. The copies of the proposed amendments may also be obtained from the Commission's office by payment of necessary fees.

Before finalization of the said amendments, the Commission invites opinion through this previous publications u/s 181(3) of the Electricity Act, 2003. Interested persons/institutions/associations may furnish their suggestions/opinions on the said amendments to the undersigned within 30 days of publication of this notice. On receipt of the responses from different quarters, the Commission may, in appropriate cases, bring the modifications, if any, to the proposed amendments and approve the same for publication in the official gazette.

By order of the Commission

Secretary

**ORISSA ELECTRICITY REGULATORY COMMISSION
BIDYUT NIYAMAK BHAWAN
UNIT-VIII, BHUBANESWAR-751012**

NOTIFICATION

Dated, the _____ August, 2010

No.OERC-Engg.-92/2003(Vol.-VI) – In exercise of power conferred on it under Section 57, 58 read with Section 181 of the Electricity Act, 2003, the Orissa Electricity Regulatory Commission has framed the Orissa Electricity Regulatory Commission (Licensee’s Standard of Performance) Regulation, 2004 vide Extraordinary Gazette Notification No.711 dt.28.05.2004 and it is in force.

The Forum of Regulators (FOR) constituted under Section 166 (2) of the Electricity Act, 2003 have now proposed a Model Standard of Performance of Regulations for the Distribution Licensees. To make compatibility with the recommendation of the FOR, the Commission hereby amends the above Regulation as follows:

1. Short title and commencement –

- (1) These Regulations may be called the Orissa Electricity Regulatory Commission (Licensee’s Standard of Performance) Amendment Regulations, 2010.
- (2) It shall come into force on the date of its publication in the Official Gazette.

2. Amendments to Regulations 3 :

The existing provision of Regulation 3 may be numbered as 3(1).

After Regulation 3(1) the following may be added :-

- 3(2) For quick and smooth registration of complaint, the Licensee shall within the time limits as noted down, from the date of amendment of these Regulations, establish **Call centre(s)** at each Electrical Divisions for redressal of grievances of its consumers. Call centre(s) shall be accessible to its consumers round the clock during all days of the week:
 - (i) for “Urban Areas” within 12 months; (at least one in Electrical Division)
 - (ii) for “Rural Areas” within 24 months. (at least one in Electrical Division)
- 3(3) Licensee shall use the existing channels for recording the consumer complaints as per the procedure described in the Regulation 3 (1) of this Regulation till the establishment of Call centre(s).

- 3(4) Every Licensee shall employ or engage sufficient number of officers or employees at its Call centre(s) and earmark or allot or establish a basic telephone or cellular mobile telephone number having sufficient lines or connections to be called as the “toll free number” or “consumer care number” or “help line number”, as the case may be, at its Call centre(s). No call charges or short message service charges shall be levied upon, or payable by its consumers, for calls made, or, short message service sent, to the “toll free number” or “consumer care number” or “help line number”, as the case may be.
- 3(5) Every Licensee shall, immediately upon establishment of its Call centre(s), inform through a public notice in newspapers in circulation in the “Area of Supply” and should also ensure proper circulation of information to the consumers in case of any changes in the contact numbers.
- 3(6) Licensee should ensure availability of electronic data base to record complaints as per the procedure described in the Regulations 3(2), 3(4), 3(5) & 3(7). This data bank should also be linked with the billing data base.
- 3(7) For easy resolution of consumer complaints, the licensee should have on the hand information about the electrical address and other details about the consumers. For this, the Licensee shall within the time limits as under, from the date of amendment of these Regulations, complete **consumer indexing**:
- (i)for “Urban Areas”: to be completed within 18 months; and
 - (ii)for “Rural Areas”: to be completed in 24 months.
- 3(8) (i)Licensee shall maintain consumer-wise records regarding the Guaranteed Standards of Performance in order to give a fair treatment to all consumers and avoid any dispute regarding violation of standards.
- (ii)In case of consumers, where level of services defined in the contractual agreement between the Licensee and the consumer is different from the other consumers in the same category, deficiency in service shall invite additional compensation commensurate to the additional tariff charged for providing such services.
- (iii)In case Licensee is able to meet the Overall Standards of Performance specified in Schedule-II of these Regulations for any parameter, the compensation paid by Licensee under Section 5 for the respective parameter, shall be allowed to recover in the revenue requirement of Licensee.

3. Addition of New Regulation - 8

After Regulation 7, a new Regulation named “Third Party Audit” is added as below :

Regulation 8 - Third party audit

- 8.1 The Commission may authorize the Commission staff or any empanelled independent auditor to conduct annual checks, in order to monitor the compliance of the Standards by Licensees and report to the Commission.
- 8.2 The following procedure shall be adopted for engaging auditors:
 - (a) audit scope and the methodology for carrying out the audit to be set by the Commission;
 - (b) the Commission shall identify and nominate an agency from the notified panel of auditors;
 - (c) the Commission shall not engage an auditor consecutively for more than three years.
 - (d) the agency which is currently the statutory auditor or internal auditor or has been engaged as a consultant, shall not be engaged.
4. The Regulation No.8 (Exemption), 9(Issued of Orders & Practice Directions), 10(Power to Remove Difficulties), 11 (Power to Amend) & 12 (Repeal and Savings) in the old Regulations are renamed as Regulation -9, 10 , 11, 12 & 13 respectively with the same nomenclature.
5. The renamed Regulation 9(1) is amended as below :
 - 9(1) The standards of performance specified in this regulation shall remain suspended during Force Majeure conditions such as war, mutiny, civil commotion, riot, flood, cyclone, lightning, earthquake or such other force and strike, lockout, fire affecting the Licensee’s installations and activities, outage due to generation failure or transmission network failure, outage initiated by NLDC / RLDC /SLDC during occurrence of the failure of their facilities.
6. **Amendment to Schedule-1**

In Schedule-1, a new clause 3.8 may be added after the existing clause 3.7 as below:

3.8 Temporary supply of power

Licensee shall examine the technical feasibility of the connection requested for and if found feasible shall sanction the load and raise a demand note in accordance within 3 days of acceptance of application in Urban Areas and within 7 days of acceptance of application in Rural Areas. If the connection is not found technically feasible, Licensee shall intimate to the applicant in writing within 3 days of completion of technical feasibility study. No connection up to 10 kW shall be rejected on technical grounds.

The applicant shall make the payment in accordance with the demand note within 2 days of receipt of demand note failing which the sanction shall stand lapsed. Also Licensee may, at the request of applicant, accept payment at the time of making application which shall be received on account and subject to completion of all commercial formalities.

After payment of applicable charges, Licensee shall energize the connection in accordance with the date indicated in the application.

If there are dues on the premises, temporary connection can be refused till the dues are paid by the consumer.

Temporary connection shall be granted for a period of up to 6 months at a time, which can be further extended depending upon the requirement.

The grant of temporary connection does not in any way create a right in favor of the applicant for claiming a permanent connection.

By order of the Commission

Secretary