

2. Sri Mohapatra on behalf of the petitioner, M/s. Shalivahana Green Energy Limited (SGEL) submitted that the firm has entered into a Power Purchase Agreement (PPA) with GRIDCO Ltd. for sale of 100% of the net power generated from its renewable plant at Village Nimidha in Dhenkanal District. The generated power will be injected through 132 KV feeders and will be connected with the 132 KV Hind Metal Switching Station of OPTCL. In this connection, it has been mentioned in the letter dt. 26.04.2010 of OPTCL to the firm that the systems study revealed that the network is adequate and synchronization of 20 MW Biomass based power plant at 132 KV is technically feasible. OPTCL has submitted the requirement of a scheme towards provision of speech, protection and data communication facilities

from 132 KV S/s of the petitioner upto the nearest SCADA Interface Point at Meramundali through the 132 KV Hind Metal Switching Station to be constructed at SEGL's cost under supervision of OPTCL. This was in response to the petitioner's request to OPTCL vide their initial letter dt.17.10.2008 to establish connectivity of their 20 MW Biomass based power plant at 132 KV with OPTCL system by constructing 132 KV Bay extension at Meramundali grid S/s and a 132 KV line from their plant and subsequent correspondences in the matter.

3. Subsequent to the above facts, the petitioner M/s.SGEL has now filed a petition on 18th May, 2011 with following prayers :

(i) that orders be passed that no PLCC/SCADA equipment be provided by the petitioner as the capacity of the Power Plant is not more than 25 MW.

(ii) that pending decision in the above matter the Power Plant of the Petitioner may be allowed to be synchronized with the Orissa Transmission System.

In support of the aforesaid prayers, written submission have been made in the petition citing the following points:

- a) In Case No.92/2009 relating to M/s.ACC Limited, Bargarh, the Commission has passed orders regarding provision of PLCC/SCADA for CGPs injecting power up to 25 MW that EHT consumer drawing power from the Grid has to provide PLCC/SCADA up to the nearest 220 KV S/S but no such provision is required for any generator(including CGP) up to 25 MW. He quoted para 6 of the order while annexing the copy of the total order to the petition.
- b) Departing from the orders of the Commission in Case No 2/2009 and 106/2010, the "Procedure on Communication and data transmission" has been framed and gazetted in the extraordinary Orissa Gazette.
- c) It will be impracticable to schedule the generation of smaller generating units if large number of CGP's of smaller capacities will be connected to the STS in future. In this regard, while pronouncing the orders in Cases No.2/2009 & 60/2009 the Commission has determined the capacity of power plant in excess of 25 MW to provide real time data to SLDC, irrespective of whether the interconnection is at 33 KV or at 132 KV.

d) The power plant of the petitioner is classified under Renewable Energy. Hence in accordance with Para 18 of the Case No.37/2008 dt.14.09.2010 of OERC, “the interconnection point shall be the line isolator on outgoing feeder on HV side of the Generator Transformer”. Therefore, the evacuation infrastructure namely, the 132 KV line from the bus bar of the petitioner’s power plant upto and including the 132 KV Bay in OPTCL switching station at Hind Metal has to be constructed by OPTCL. Hence, the on line data-transmission, if at all required, has to form a part of the evacuation infrastructure and should be provided by OPTCL.

4. Sri Mohapatra, on behalf of M/s.SGEL submitted during the hearing that the petitioner without any 33 KV system nearby and having no other alternatives was forced to apply for connectivity at 132 KV. Otherwise, the firm could have opted to have connectivity at 33 KV as the capacity of generator is only 20 MW.

5. OPTCL in its written submission had submitted that

a) The provision of PLCC/SCADA is a mandatory requirement under the OGC Regulations, 2006. As per Regulation 4.13(d) of the Orissa Grid Code Regulations, 2006 *“All Agencies connected to or planning to connect to STS would ensure providing of RTU and other communication equipment, as specified by STU, for sending real-time data to nearest SCADA interface point of the transmission licensee at least before date of commercial operation of the generating stations or sub-station/line being connected to STS.”*

b) In the meanwhile OERC had also approved the “Procedure on Communication and Data Transmission” vide Order dt.20.09.2010 in Case No.2/2009 and 106/2010, which has been published in the extraordinary Orissa Gazette No.2162 dt.24.12.2010. In view of the provisions laid down in OGC Regulations, 2006 read with the clause 5 and 6 approved procedures as regards to Communication System requirement and applicability of the procedure, the petitioner M/s.SGEL being a generator intending to connect with OPTCL system at 132 KV is required to provide PLCC/SCADA for speech and data communication upto the nearest

SCADA interface Point i.e. Meramudnali S/s for generation operational monitoring by SLDC.

- c) On receipt of initial application on dt.17.10.2008 from M/s.SGEL, OPTCL had issued a permission letter to M/s. SGEL on 26.04.10 for network adequacy and power connectivity with OPTCL transmission system at 132 KV subject to acceptance of certain terms and conditions. In reply to that, M/s.SGEL has intimated its acceptance to the said permission letter on 30.06.2010. OPTCL also submitted that M/s.SGEL has already placed order on M/s.AREVA T&D India Ltd., Hosur for supply of WT and CVTs, which have already been inspected by OPTCL engineer.
- d) Orders passed in Case No.37/2008 would not relieve the petitioner from its agreed terms and conditions mentioned in permission letter dt.26.04.10 as the date of pronouncement of the said order i.e. 14.09.2010 is later than the permission letter of OPTCL and acceptance of the petitioner thereto. As it was agreed by both the parties, it is the responsibility of the petitioner to provide on-line communication and data transmission system to the nearest SCADA Interface Point, for which the petitioner has already taken some steps.

6. Heard the parties at length.

After hearing the parties and perusal of the case records Commission observes as hereunder:

- 6.1 In addition to the written submission made in the petition, while making oral arguments during the hearing, an impression was given that (i) the Commission had already exempted M/s.ACC Ltd. with CGP of 2X15 MW from the provision of SCADA in order dt.27.08.09 of Case No.92/2009, although the same is connected at 132 KV, and (ii) it had approved the “Procedure on Communication and Data transmission” annexed to the order dt.20.09.2010 of the Commission in Case No 2/2009 and 106/2010 in *a departure from* the aforesaid order dt.27.08.2009 in Case No.92/2009.
- 6.2 In relation to the aforesaid arguments put forth by the petitioner, our findings are as follows:
 - (i) To address the first issue on exemption of SCADA provision, Para 6 of the orders of the Commission in Case No. 92/2009 is reproduced below:

*“After hearing the parties and perusal of the case records the Commission **allowed time to M/s. ACC upto 31.12.09 to establish the communication and SCADA system** under Regulation 1.8 of the OGC upto the nearest 220/132Kv S/s of OPTCL the SCADA interface point at Katapalli. The Commission observes that as the OPTCL is yet to establish SCADA interface system in its own 220/132 KV Grid s/s, denying the synchronization of the User’s CGP to the State Grid on the ground of SCADA and Communication System is not appropriate. The Commission had earlier ordered to increase the limit of any generator for injecting of power 5MW and above for establishment of SCADA and communication to power injection from generator (including CGP) upto 25MW. OPTCL is therefore, directed to allow synchronization of the CGP units of M/s.ACC with the State Grid subject to the condition that the latter puts load limiters at its end and OPTCL’s Bargarh S/s to limit power injection maximum upto 25 MW only. OPTCL should not insist on a particular make of communication system and should adopt any developed mode of communication, if technically feasible.” (emphasis added)*

Thus, the Commission had only allowed M/s A.C.C. a limited time up to 31.12.2009 for establishment of Communication and SCADA and directed OPTCL for synchronization of CGP with provision of load limiters, but have not completely exempted the firm from such provision. It can be clearly inferred from the orders that M/s ACC that it is not permanently exempted from SCADA provision, only temporary relief was allowed for synchronisation. Hence, the argument of petitioner that no PLCC/SCADA provisions is required for any generator (including CGP) upto 25 MW, even if it is connected to the OPTCL’s grid at 132 KV is not correct.

- (ii) As far as the “Procedure on Communication and Data transmission” is concerned, this has been finalized subsequently after long deliberation in Case No.02/2009 and 106/2010. Consequent upon the direction by the Commission in Case No. 02/2009 to develop a mutually agreed procedure for communication and data transmission after consultation with all stake holders, OPTCL had developed the procedure on communication and data

transmission to avoid any dispute/discrimination between individual user(s)/requester(s) after inviting opinion thereon from all stake holders. The Commission after conducting a public hearing in Case No. 02/2009 & 106/2010, passed an order on 20.09.2010 approving the said procedure, which has subsequently been notified on 24.12.2010 in the Govt. of Orissa Extraordinary Orissa Gazette. While we do not notice any apparent contradiction therein, since this order and the procedure has not been challenged in any appeals/suits in higher forums, the said procedure has attained its finality. Hence, the contention of the petitioner on this ground that it departs from an earlier order in Case No.2/2009 and 106/2010 is not acceptable.

6.3 The Commission's observation on the written submission made by the petitioner at para 3(c) & (d) above is as under :

- (i) The existing provision of the OGC Regulation 4.15(1), 10.3(1) read with its Appendix-C-5 says that, 33 KV connectivity may normally be allowed for power stations and generating units of generator including CGP upto 25 MW for dedicated line (tie line) and up to 15 MW for non dedicated (non-tie) line and are not required to be operationally monitored for their output and other responses. But as per the Regulations 4.13(d) of OGC, 2006, all agencies connected to or planning to connect to STS should provide RTU and other communication equipments for sending real-time data to the nearest SCADA interface point of the transmission licensee. Further, the provision of SCADA is not only for scheduling the generation but also required for transfer of on-line data and status of breaker and isolator position etc. as per Regulation 6(3) of the CEA (Technical Standards for Connectivity to Grid) Regulations, 2007 (i.e., in order to facilitate operation & outage requirements as well as Safety Co-ordination etc. in Grid Management). Also, all these matters/issues have been considered while framing/amending the aforesaid Regulations applicable to EHT grid connected entities and hence, can not be re-opened at this stage. Since the requirements are mandatory under OGC 2006 and CEA Regulations etc., the Commission cannot allow complete exemption from such provision even for renewable generators on technical grounds as stated above.

- (ii) The issue raised by the petitioner in 3(d) above has not been pursued by the petitioner during the course of oral argument/hearing on 22.06.11 and hence the Commission does not like to offer any view on the matter now.
- 6.4 As regards the petitioner's argument regarding absence of 33 KV connectivity at/near the locality of power plant and consequent application for connectivity at 132 KV, the Commission does not find any written/ documentary submission in support of such oral submission. In any case, when the SGEL's power plant is connected through 132 KV connectivity with the STS, it has to abide by the applicable Rules and Regulation for such grid connected entities.
7. Thus, in conclusion, our observations are as follows :
- Although, based upon the impression given during the hearing about earlier grant of such exemption from SCADA/Communication to M/s.ACC in an earlier Case No.92/2009, the Commission had indicated during the hearing of considering the possibility of granting similar exemption to the petitioner as a special case of renewable generator (i.e., without citing such exemption as a precedent in future cases), however in view of the later scrutiny of the relevant statutory clauses/regulations & orders etc as stated above, the Commission is no more inclined to allow the prayer no (i) of the petitioner for exemption under Section 1.8 of the OGC to establish the communication and SCADA system upto nearest 400/220/132 KV S/S of OPTCL, i.e., Meramundali. With reference to the prayer no (ii), the Commission observes that the petitioner is setting up a Biomass Power Plant, which comes under definition of Renewable energy and also agreed to sell 100% of the net power generated to GRIDCO Ltd., hence, denying synchronization to the state grid as the construction has been completed and plant is ready, is not appropriate at this stage. Thus, the Commission therefore allows time to M/s. SGEL upto 31.12.2011 for provision of data and speech communication upto the nearest SCADA point and direct OPTCL for allowing synchronization, if technically feasible.
8. Accordingly, the case is disposed of.

**Sd/
Member (M)**

**Sd/
Member (B)**

**Sd/
Chairperson**