

Before

UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

Petition No. 33 of 2022

In the matter of:

Application seeking approval of the Fuel Charge Adjustment (FCA) to be charged from the consumers for the period from 01.10.2022 to 31.12.2022.

In the matter of:

Uttarakhand Power Corporation Ltd.

... Petitioner

CORAM

Shri D.P. Gairola Member (Law) - Chairman (I/c)

Shri M.K. Jain Member (Technical)

Date of Order: November 15, 2022

This Order relates to the Petition dated 28.10.2022 filed by Uttarakhand Power Corporation Ltd. (hereinafter referred to as “the Petitioner” or “UPCL” or “Licensee”) under Section 86(1)(a) and Section 62(4) of the Electricity Act, 2003 and Regulation 83(4) of UERC (Terms and conditions for Determination of Multi Year Tariff) Regulations, 2021 seeking approval of the Fuel Charge Adjustment (FCA) to be charged from the consumers during the period 01.10.2022 to 31.12.2022.

1. Background

- 1.1 The Licensee vide its Petition dated 28.10.2022 while referring to UERC (Terms and conditions for Determination of Multi Year Tariff) Regulations, 2021 (hereinafter referred to as “MYT Regulations 2021”) submitted that Regulation 83 provides for imposition of Fuel Charge Adjustment (FCA) during any quarter of the year if the variable fuel cost during the previous quarter of the year was higher than the approved variable fuel cost for the same period.
- 1.2 UPCL vide its Petition has sought the post-facto approval of the Commission for charging of FCA on account of variation in actual variable cost of power purchase vis-a-vis the approved variable cost of power purchase for the second quarter of FY 2022-23. In this regard, UPCL vide its O.M. No. 4380/UPCL/RM/B-15 dated 20.10.2022 issued the rate of FCA to be recovered from different consumer categories during the period from October,

2022 to December, 2022.

- 1.3 UPCL submitted that for computation of correct values of energy received at the State periphery, in compliance to the Commission's direction, station wise energy at State periphery has been considered as per the details provided by SLDC. UPCL submitted the following station-wise details of FCA for the period from July, 2022 to September, 2022:

S. No	Name of Plants	Approved Variable Charges (Rs./kWh)	Gross Energy as per REA	PGCIL Losses as per SLDC	Actual Variable Charges (Excluding Arrear)			Excess of Actual Variable Charges (Rs. Cr.)
					Energy at State Periphery (MU)	Variable Charges (Rs.Cr.)	Rate (Rs./kWh)	
<i>i</i>	<i>ii</i>	<i>iii</i>	<i>iv</i>	<i>v</i>	<i>vi</i>	<i>vii</i>	<i>viii=vii/vi</i>	<i>ix= (viii-iii)*vi</i>
1	Singrauli	1.580	185.09	3.36%	178.87	27.50	1.54	-0.76
2	F G Unchahar-I	3.440	55.27	3.38%	53.41	26.49	4.96	8.12
3	F G Unchahar-2	3.490	25.09	3.38%	24.25	12.14	5.01	3.68
4	F G Unchahar-3	3.420	21.32	3.37%	20.60	10.24	4.97	3.20
5	F G Unchahar-4	3.030	54.88	3.38%	53.02	24.74	4.67	8.67
6	N C T Dadri:2	3.490	2.34	3.39%	2.26	1.18	5.25	0.40
7	Rihand-1 STPS	1.550	64.25	3.40%	62.06	9.76	1.57	0.14
8	Rihand-2 STPS	1.550	86.57	3.38%	83.65	13.17	1.57	0.21
9	Rihand-3 STPS	1.530	88.12	3.37%	85.15	13.25	1.56	0.23
10	Kahalgaoon-II	2.660	49.56	3.37%	47.89	18.61	3.89	5.87
11	Jhajjar Aravali	3.640	64.43	3.40%	62.24	33.40	5.37	10.75
12	Anta Gas	4.800	0.00		0.00	0.00		0.00
13	Auraiya Gas	4.800	0.00		0.00	0.00		0.00
14	Dadri Gas	4.800	0.00		0.00	0.00		0.00
15	Gama Infraprop	4.800	0.00		0.00	0.00		0.00
16	Sravanthi Energy	4.800	0.00		0.00	0.00		0.00
Total			696.92	3.38%	673.39	190.50	2.83	40.50

- 1.4 UPCL further submitted that against the approved FCA of Rs. 22.15 Crore to be recovered during the second quarter of FY 2022-23, UPCL assessed/billed FCA for an amount of Rs. 19.96 Crore as detailed below:

Category		Amount (Rs.)
RTS-1	Domestic	3,50,83,792
RTS-1A	Domestic Snowbound	10,317
RTS-2	Non-Domestic	2,78,49,812
RTS-3	Government Public Utilities	99,07,456
RTS-4	Private Tube-wells/ Pumping Sets	1,772
RTS- 4 A	Agriculture Allied Activities	1,67,870
RTS-5	LT&HT Industry	12,04,05,129
RTS-6	Mixed Load	23,40,749
RTS-7	Railway Traction	14,42,686
RTS-8	Electric Vehicle Charging Station	5,267
RTS-9	Temporary Supply	23,90,714
Total		19,96,05,564

- 1.5 In view of the above, total FCA recoverable during October, 2022 to December, 2022 as claimed by the Petitioner is as follows:

Particulars	Amount
Under recovery of previous period FCA till quarter ending June, 2022 (Rs. 22.15 Crore- Rs. 19.96 Crore)	Rs. 2.19 Crore
FCA for the quarter ending September, 2022	Rs. 40.50 Crore
Total FCA to be recovered during quarter ending December, 2022	Rs. 42.69 Crore

- 1.6 UPCL submitted that the sales data for the Quarter ending December 2022 is based on the sales approved by the Commission in its Order dated 31.03.2022 and, accordingly, the estimated sales for the third quarter of FY 2022-23 has been considered as 3221.80 MU.
- 1.7 UPCL, in its Petition, has worked out the average rate of FCA of Rs. 0.133/kWh (Rs. 42.69 Crore/3221.80 MU).
- 1.8 UPCL submitted that for computation of category wise FCA, it has considered the ABR of the consumer categories as approved by the Commission in its Tariff Order dated 31.03.2022 for FY 2022-23. However, with respect to consumers having kVAh tariff, power factor of 0.95 has been considered by it for conversion of kWh rate of FCA into kVAh rate of FCA. Category wise rate of FCA proposed to be recovered during October-December, 2022 by UPCL is enclosed as **Annexure-I**.

1. Commission's views and decision

- 1.1 Section 62(4) of the Electricity Act, 2003 specifies as follows:

"No tariff or part of any tariff may ordinarily be amended, more frequently than once in any financial year, except in respect of any changes expressly permitted under the terms of any fuel surcharge formula as may be specified."

- 1.2 Regulation 83 of the MYT Regulations, 2021 specifies as under:

"83. Fuel Charge Adjustment (FCA)

- (1) *The FCA charge shall be applicable on the entire sale of the Distribution Licensee without any exemption to any consumer.*
- (2) *The FCA charge shall be computed and charged on the basis of actual variation in fuel costs relating to power generated from own generation stations and power procured during any month subsequent to such costs being incurred, in accordance with these Regulations, and shall not be computed on the basis of estimated or expected variations in fuel costs.*
- (3) *The FCA charge for the quarter shall be computed within 15 days of quarter end and shall be*

charged for the quarter from the first month of second quarter itself, without prior approval of the Commission and under or over recovery shall be carried forward to the next quarter.

- (4) The Distribution Licensee shall submit the details of incremental fuel cost incurred and to be charged to all the consumers for the entire quarter, along with the detailed computations and supporting documents as may be required for verification by the Commission within 30 days of the end of quarter for post facto approval of the Commission.*
- (5) The Commission shall examine the FCA computations and approve the same with modifications, if required before the end of second quarter. Any variation in FCA charged by the Distribution Licensee and FCA approved by the Commission will be adjusted in subsequent quarter's FCA computations.*
- (6) In case the Distribution Licensee is found guilty of charging unjustified FCA charge to the consumers on regular basis, the Commission shall adjust the unjustified charges along with interest on the same..."*

1.3 In accordance with the above provisions of the Act and Regulation 83(3) of the MYT Regulations, 2021, the distribution licensee is entitled to compute the FCA for the quarter and charge the same from the consumer from the first month of next quarter itself, without seeking prior approval from the Commission. The provision of claiming FCA has been made so that the licensee is able to recover the shortfall in the variable component of the cost of power purchased by the licensee in a quarter vis-à-vis that approved by the Commission for the period, which otherwise, would get accumulated till the truing up of expenses for the financial year is carried out by the Commission after the statement of accounts are available, which usually have a lag of 1-2 years and, hence, such accumulated gaps for a substantial period has a carrying cost which could affect the financial health of the distribution licensee and in turn would result in adversely affecting the quality of supply. Any revenue gaps including the gap in power purchase expenses, on account of truing up are to be borne by the consumers. Allowance of FCA, atleast at the end of each quarter, to some extent minimizes the impact of such gaps on the licensee's operations.

1.4 Regulation 83(5) reproduced above specifies that any variation in FCA charged by the Distribution Licensee and FCA approved by the Commission will be adjusted in the FCA computations of subsequent quarters. Accordingly, the Commission has analysed the details of the power purchase and monthly bills raised on UPCL by the Central Sector Thermal generating stations and Gas based generating stations where FCA is attracted for second quarter of FY 2022-23. Regulation 83(2) reproduced above, specifies that the FCA

charge shall be computed and charged on the basis of actual variation in power purchase cost on account of the increase in cost of fuel during any month.

- 1.5 The Commission in line with its previous approach has computed the energy at State periphery based on actual losses. Relevant extract of the aforesaid Order is reproduced as below:

“11. The Commission also orders that henceforth for all filings of FCA, correct values of energy received at State periphery needs to be worked out. The same should also be got vetted by the State Load Despatch Centre...”

- 1.6 Accordingly, the Commission has considered inter-state losses as per the details provided by the SLDC. The Commission has determined the energy at State periphery in respect of each generating station attracting FCA by applying inter-state losses on energy billed. Based on the variable charges as reflected in monthly energy bills, rate of variable charges has been determined and then variation in actual variable charges vis-a-vis approved variable charges for such generating stations have been calculated. The Commission has considered the sales of 3221.80 MU approved by it for the third quarter of FY 2022-23, i.e. for October-December, 2022 which is also the same adopted by UPCL in its Petition.
- 1.7 Further, UPCL had submitted that against the allowed FCA of Rs. 22.15 Crore to be recovered during the second quarter of FY 2022-23, it assessed/billed an amount of Rs. 19.96 Crore and has, therefore, requested that the under recovery of FCA amounting to Rs. 2.19 Crore, be allowed to be adjusted during the third quarter of FY 2022-23. In this regard, the Commission is of the view that the amount of FCA of Rs. 2.19 Crore under recovered by UPCL cannot be verified at this stage since the commercial diary of UPCL for the 2nd quarter (2022-23) is not yet finalized, and accordingly, the amount of FCA under recovered cannot be validated. Hence, the Commission is allowing UPCL the adjustment of Rs. 2.19 Crore towards the under recovered FCA amount during the second quarter as ad-interim. However, UPCL is directed to submit the details of category wise energy sold and FCA billed for the second quarter within one month of the date of the Order and correction, if any, to this account will be carried out while approving the FCA of subsequent quarters.
- 1.8 Based on the above, the Commission computed the FCA for the second quarter of FY 2022-23 and observed that the rate of FCA of Rs. 0.133/kWh claimed by UPCL is matching with the computations made by the Commission.

- 1.9 Accordingly, the Petitioner is hereby allowed to recover the FCA amount to the extent claimed by it from various consumer categories at the rates submitted by it and as indicated at Annexure-I during the third quarter of FY 2022-23.
- 1.10 UPCL is further directed to maintain a separate record for such recoveries and submit the details of the quarter wise FCA recovered vis-à-vis FCA allowed by the Commission within twenty days of the end of quarter.
- 1.11 Ordered accordingly.

(M.K. Jain)
Member (Technical)

(D.P. Gairola)
Member (Law) - Chairman (I/c)

Category-wise FCA proposed to be charged during the third quarter of FY 2022-23

S. No.	Category	Average Billing Rate (Rs./KWh)
1	Domestic (RTS-1) / Concessional Snowbound Area (RTS-1A)	
1.1	<i>Lifeline Consumers(RTS-1) / Concessional Snowbound Area (RTS-1A)</i>	Rs. 0.05/kWh
1.2	<i>Consumers (Metered) (RTS-1)</i>	Rs. 0.11/kWh Rs. 0.10/kVAh
2	Non-Domestic (RTS-2)	Rs. 0.15/kWh Rs. 0.15/kVAh
3	Government Public Utilities (RTS-3)	Rs. 0.14/kVAh
4	PTW/Pumping Sets (RTS-4)	Rs. 0.05/kWh
5	Agriculture Allied Activities (RTS-4A)	Rs. 0.06/kWh
6	LT Industries (RTS-5)	Rs. 0.14/kWh Rs. 0.14/kVAh
7	HT Industries (RTS-5)	Rs. 0.14/kVAh
8	Mixed Load (RTS-6)	Rs. 0.13/kVAh
9	Railway Traction (RTS-7)	Rs. 0.14/kVAh
10	Electric Vehicle Charging Stations (RTS-8)	Rs. 0.12/kWh