TOOLS FOR REGULATORY ENGAGEMENT

Capacity Building of Electricity Consumers

Booklet on the various way by which consumers can participate in regulatory affairs in electricity sector in Rajasthan

BASK RESEARCH FOUNDATION
CUTS INTERNATIONAL
1. INTRODUCTION

Consumer participation in the regulatory process is crucial for better governance in the sector. It helps regulators to understand consumers’ perspective for effective decision making. This leads to social acceptance of decisions taken by regulators and helps in building consumers’ trust in the system. It also gives platform to those fragmented & dissenting voices which remain limited to Grievance Redressal Mechanisms and are not aggregated & taken into consideration in the decision making.

Electricity Act 2003 made several provisions for electricity consumers to participate and represent their voice and interest in regulatory decision making.

- The State Commission may authorise any person to represent the interests of the consumers in the proceedings before it.
- Applications for ‘grant of licence’, ‘amendment of licence’ and ‘determination of tariff’ are required to be published in public domain as per prescribed manner for public access and comment.
- The State commission is required to consider all suggestions and objections received from public before deciding on tariff and licensing issues. This is applicable for all three domains of the sector i.e. Generation, Transmission and Distribution.
- All proceedings before the State Commission shall be deemed to be judicial proceedings.

Therefore, the Rajasthan Electricity Regulatory Commission also holds these activities as mandated by the Electricity Act 2003.

2. HOW TO PARTICIPATE?

- The participation in regulatory affairs can be done in various way which require varying degree of expertise in regulatory affairs. The most basic way is to provide observations, suggestions or comments on key activities at the commission during public hearings for determination of tariff, true-up petitions, ARR approval etc. Determination of Tariff for a Discom is a key activity which concerns electricity consumers and hearings are organized on tariff petitions from all the three DISCOMs. Rajasthan Electricity Regulatory Commission (RERC) has been organizing these public hearings regularly, which are advertised in newspapers and commission’s website, and open to consumers, consumer groups and other interest groups. The consumers can attend the hearings and present their suggestions. These petitions are generally available on the commission’s website for a period of 2-4 weeks and can also be taken from respective Discom or Petitioner’s office.

Furthermore, participation in regulatory affairs can be done by providing suggestions or comments on the regulations which are being formulated or amended by the commission. This requires a certain degree of expertise in understanding of regulations and impact on publics and Discoms. The drafts for all
such regulations are available on commission’s website for comments generally for a period of 2-4 weeks.

Consumers can submit their suggestions and objections in writing or through email to the commission office.

- Another way of engaging with the commission is to file petitions directly with commission on issues of public welfare, non-compliance of commission’s orders, regulations, state or union legislations etc. or any other issue within jurisdiction of the commission. Any electricity consumer in Rajasthan can file a petition clearly stating the provisions of the Electricity Act 2003, or the regulations framed thereunder. The petition should be filed as per the procedure prescribed in RERC (Conduct of Business) Regulations, 2003. The petition has to be complete in all respect including fees as prescribed in RERC (Fees for Petitions) Regulations, 2005 as amended from time to time.

3. PRESCRIBED STANDARDS FOR PARTICIPATING IN REGULATORY DECISION MAKING

a. **Fee:**

   Fee for the petition by Individual Consumer: Rs. 1000/-
   Issue of certified copies of documents/orders of the Commission: Rs. 2/- per page

b. **Language of the Commission:**

   The proceedings of the Commission are conducted either in English or in Hindi and any document or other matters contained in any language other than Hindi or English are accepted by the Commission only if the same is accompanied by a translation in Hindi or English.

c. **Petitions and pleadings before the Commission**

   All petitions to be filed before the Commission should be typewritten on one side of the white paper and every page should be consecutively numbered. The Commission also accepts submissions over email, however, it is advised to get a confirmation of receipt of the submission from commission’s office in this regard. The contents of the petition should be divided appropriately into separate paragraphs and should be numbered serially. All petitions should be accompanied with fees as prescribed by the Commission through regulations.

d. **Recognition of Consumers Associations and Representation:**

   The Commission permits any association or other bodies corporate or any group of consumers to participate in any proceedings before the Commission on its discretion. The Commission can also appoint any officer or any other person to represent consumers, interest if considered necessary.

e. **General regulations concerning the proceedings before the commission:**

   - The Commission can initiate proceedings suo-moto on a petition filed by any affected person.
• When the Commission initiates the proceedings in respect of any matter, a notice is issued by the office of the Commission. The Commission may give orders and directions as may be deemed necessary, for the filing of replies and rejoinder in opposition or support of the matter.
• The commission may, if it considers appropriate, publish a notice inviting comments on the issue involved in the proceedings.
• In proceedings and inquiries initiated by the Commission on a suo-moto basis, the Commission may designate an officer of the Commission or any other person whom the Commission considers appropriate to present the matter in the capacity of a petitioner in the case.

f. All pleadings should be drafted by explicitly stating the following:
  • A statement of the relief sought from the Commission.
  • The reasons why the Commission should grant the requested relief.
  • The general heading in all petitions before the Commission and in all advertisements and notices (Annexure B).
  • An affidavit shall disclose the source of the information and include a statement that the deponent believes that information to be true (Annexure C).

g. Presentation and scrutiny of the pleading and others
  • The petition is at first presented before the Receiving Officer, in person or by any duly authorised representative at the headquarters. The petition may also be sent by registered post.
  • Where the petition is presented by an authorised representative the document authorizing the representative should be filed along with the petition. (Annexure A).
  • Upon the receipt of the petition, Receiving Officer shall stamp and endorse the date on which the petition has been presented and shall issue an acknowledgement, with stamp and date, to the person filing the petition.
  • In case the petition is received by registered post the date on which the petition is received at the office of the Commission shall be taken as the date of the presentation of the petition.
  • The Receiving Officer may reject any petition which does not conform to the provisions of the Act or the Regulations or directions given by the Commission or is otherwise defective or otherwise than in accordance with the regulations or directions of the Commission.
  • No petition can be rejected for any defect in it the pleadings or in the presentation, without giving an opportunity to the person filing it to rectify the defect within the time specified for the purpose.
  • The Receiving Officer shall advise, in writing the persons filing the petition of the defects in the petition filed within a reasonable time.
ANNEXURE- A

FORM 1
(Authorisation - Reg. 17)

BEFORE THE RAJASTHAN ELECTRICITY REGULATORY COMMISSION, JAIPUR

FILING No. ....................

CASE No. ....................

(To be filled in by the Commission Office)

IN THE MATTER OF:

(Gist of the purpose of the Petition or application)

AND

IN THE MATTER OF:

(Names and full address of the petitioners/applicants and names and full addresses of the respondent)

I/We ...................... hereby authorise Mr./Ms. ........ Son/ Daughter/ of Mr./Ms. ........ whose signatures are attested below, to represent me/us as petitioner/applicant/respondent in the above matter.

..............................
Signature of the authorised representative.

..............................
Signature attested.

..............................
Signature of petitioner/applicant/respondent
ANNEXURE- B

FORM 2
(General Heading for Proceedings Reg. 23)
BEFORE THE RAJASTHAN ELECTRICITY REGULATORY COMMISSION, JAIPUR

FILING No………………

CASE No………………

(To be filled in by the Commission Office)

IN THE MATTER OF :

(Gist of the purpose of the Petition or application)

AND

IN THE MATTER OF:

(Names and full address of the petitioners/applicants and names and full addresses of the respondent)
ANNEXURE- C

FORM 3
BEFORE THE RAJASTHAN ELECTRICITY REGULATORY COMMISSION,
JAIPUR

FILING No.----------

CASE No.----------

(To be filled in by the Commission Office)

IN THE MATTER OF:

(Gist of the purpose of the Petition or application)

and

IN THE MATTER OF:

(Names and full address of the petitioners/applicants and names and full addresses of the respondent)

Affidavit verifying the Petition/reply/application

I, .............., son of...........aged.........residing at.........do solemnly affirm and say as follows:

I, I am a Petitioner/applicant/respondent etc. in the matter* or I am duly authorised representative of the said petitioner/applicant/respondent & make this affidavit on his behalf*

1. I am a Director/Secretary/partner.............of M/s......................and Make this affidavit on the behalf of such Company/Firm/.............as a petitioner /applicant/respondent in the above matter and am duly authorised by the said petitioner/applicant/respondent to make this application on its behalf.

2. The statement made in paragraphs......to.......of the Petition/application/reply herein now shown to me and marked with the letter 'A' are true to my knowledge and the statements made in paragraphs......to.......are based on information and I believe them to be true.

I Solemnly affirm, this ........day of........that the contents of above affidavit are true to my knowledge & no part of it is false and nothing material has been.

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