

# A CASE FOR ELECTRICITY PUBLIC HEARINGS THAT IS THE BEST OF BOTH WORLDS

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'Flexibility of participation is one benefit' | Photo Credit: Getty Images/iStockphoto

The scale of operations of electricity distribution companies is clear from the fact that their annual revenue requirement is 20% of the Union Budget. It is natural that decisions on the planning and the operation of the power sector have a significant impact on the public.

Given such an impact, it is crucial that the citizen's voice is incorporated in a proper way in power sector decisions. Public hearings that are conducted by Electricity Regulatory Commissions (ERCs) provide a platform for this. However, restrictions on account of the COVID-19 pandemic took away this option, until online hearings emerged.

Now that the COVID-19 restrictions are behind us, is it best to revert to the old in-person mode? Or should we transition to the new online mode? The central ERC recently issued a public notice where it announced that hearings would resume through in-person mode. The ERCs in Tamil Nadu and Telangana have also reverted to in-person hearings. However, several State ERCs, including those in Rajasthan and Uttar Pradesh, recently held public hearings entirely online.

It is no surprise that both these extremes have their pros and cons with regard to a citizen's participation in public hearings. We feel that a hybrid mode, with provisions for in-person as well as facilitated online participation, would be best suited to ensure quality public participation.

The most important and popular public hearing held by the ERC deals with tariff revision. When these hearings are held in-person, they do more than just provide a platform for citizens to voice their views to the ERC. They facilitate meaningful interactions and cross-learning between various sector actors, help to build consumer networks, and enable collective action. Given such deliberative involvement, the in-person process paves the way for consensus building and also lends enhanced credibility to decisions on complex matters. Understanding on issues such as the under-projecting distribution losses by inflating agricultural consumption and the need for scrutiny in power purchase contracts have been aided by such public engagement.

In addition to cost savings, a consumer's concerns with the quality of supply also get discussed and corrective measures evolve. Given this, many State ERCs, including those in Maharashtra and Andhra Pradesh, have tried to increase access and diversify participation by organising tariff

revision public hearings at different locations.

Steps such as making a local language summary of the tariff petition and consumer advocate services available to the public have also been undertaken in States such as Andhra Pradesh and Odisha for better engagement. Despite all these measures, issues such as distance, logistics of transport, or lack of financial support could hinder participation in the public hearing.

Online hearings were the only option during the COVID-19 pandemic. Courts and quasi-judicial bodies across the country, including those in the electricity sector, opted for such hearings. These hearings proved to be a welcome step, as they circumvented transport and logistics issues while enabling wider attendance from remote locations, and allowed for quick convening and multiple meetings, which could have aided the consultative process. However, conducting online hearings is not without its challenges. Technological access and know-how are not uniform across the country, making it difficult for some to participate. The ERC also has greater control of the platform in online hearings.

To enable smoother participation, ERCs have taken measures such as providing step-by-step guidelines and orientation sessions. In Maharashtra and Andhra Pradesh, ERCs have setup facilitation centres across the States for public participation. These ERCs also provide a live-streaming feature, which has helped improve access, visibility and transparency. Over the course of the last two years, significant infrastructure and experience toward online hearings have been built by institutions and individuals. But despite this, obstacles to participation persist and there is room for improvement in how online hearings are conducted. Issues such as poor Internet connections, technical mishaps, and the use of complex platforms and applications by ERCs hinder participation.

Public hearing is a major platform of social action, and participants not only speak to the ERC but also to each other and to the public. Enabling such discourse and community building and ensuring transparency and accountability in operations, besides improving access to these public proceedings are the steps needed.

Moving back to the pre-pandemic practice of only in-person hearings takes away a convenient avenue for consumer engagement, and impacts meaningful interactions that are possible in the in-person platform. However, the provision of online mode in addition to in-person hearings would strengthen public participation. This has been recognised by other institutions such as the National Green Tribunal, which provides an e-hearing facility in addition to the in-person hearing.

Public hearings conducted in hybrid mode, with the choice of mode being left to the citizen, are best suited to improving access. When in-person and online options are operationalised together, they plug access gaps, provide flexibility of participation to the citizen, and enable a robust avenue for public participation.

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