

**BEFORE THE NIGERIAN ELECTRICITY REGULATORY COMMISSION
HOLDEN AT ABUJA**

CASE NO: NERC/01/000002/2008

**DECISION IN THE MATTER OF THE ELECTROCUTION INCIDENT AT
THE SUB-STATION OF THE ABUJA ELECTRICITY DISTRIBUTION
COMPANY PLC AT BLANTYRE STREET, WUSE 11, ABUJA**

BETWEEN:

**NIGERIAN ELECTRICITY REGULATORY
COMMISSION(PETITIONER)**

AND

**ABUJA ELECTRICITY DISTRIBUTION CO. PLC
.....(RESPONDENT)**

PRESIDING:

**DR. RANSOME E. OWAN
MAL. ABDULRAHMAN ADO
DR. ALIM I ABDUL-RAZAQ
PROF. O.C. ILOEJE
DR. GRACE EYOMA
ENGR. ABIMBOLA ODUBIYI**

**CHAIRMAN
VICE CHAIRMAN
COMMISSIONER
COMMISSIONER
COMMISSIONER
COMMISSIONER**

APPEARANCES:

CHIJOKE N. OBI	}	
WITH AHMADU ZUBAIRU	}	For the Petitioner
ADA OZOEMENA	}	
ISAAC OKPANACHI	}	For the Respondent
WITH JUSTIN I. DODO	}	
CHIEF V. IKEONU		Notary Public
MR BUNMI FADEYI	}	Intervenor/Victim's Father
Mr. SUNDAY ADEAGBO	}	(solicitor to Victim's Family on watching brief)

FACTS:

The matter before the Commission was initiated by the Commission represented by the Legal, Licensing and Enforcement Division to ascertain

- the degree of compliance of the Respondent with Safety requirements and obligations under relevant Licence Terms and Conditions as well as applicable Laws and Regulations; and
- the degree of compliance with Directives of the Commission to undertake specified activities with respect and pursuant to the incident of the explosion and subsequent electrocution of a minor girl at one of the sub-stations within the Respondent's operational area.

The summary of the Facts of the matter are as follows;

On the 19th of April 2007, a staff of the Petitioner, Mr. Ahmadu Zubairu, reported to the Commission, an explosion which had occurred at the sub-station of the Respondent on the 18th of April 2007. The Sub-station is situated at Blantyre Street, Wuse II, Abuja, (which is adjacent to Sirakoro Street where the staff lives).The explosion resulted in the electrocution of a little girl who died the day after the explosion.

Following this report, officials of the Petitioner visited the sub-station (site of the explosion) and in a letter to the Respondent dated April 19, 2007, requested for an

official notification of the accident and a detailed report within the time frame stipulated in section 3.11 of the Distribution Code. The letter further directed the Respondent to carry out an audit of its Distribution sub-stations and ensure that the appropriate safety standards are applied as regards making them inaccessible to unauthorized persons.

In response, the Respondent through its Business manager, in a report dated 27th April 2007, which he submitted to the Chief Executive Officer of the Respondent, a copy of which was made available to the Commission, stated amongst others, that the deceased might have thrown something that bridged the cable sockets while she was near the compact unit thereby causing the explosion, as it did not seem that she came in contact with live apparatus.

Dissatisfied with this report, the Petitioner by a letter dated 24th April, 2007 invited the Respondent for a meeting with a view to further discuss the matter.

At the meeting of 26th April 2007, the Respondent was directed as follows:

- i. Clear the bush and trees in the sub-station;
- ii. Construct a barbed wire fence and fit a gate to separate the sub-station from the walkway;
- iii. Carry out an audit of the Company's sub-stations in its area of operation and come up with a program for securing them;
- iv. Assist the victim's family to obtain a police report on the accident and a doctors report as to the cause of death;
- v. Take stock of all their installed equipment, ensure the safety of life and property in accordance with existing regulations and come up with a programme for making them secure; and
- vi. To compensate the deceased's family for the loss.

By a letter dated 24th July 2007, the Petitioner observed that as at that date, the Respondent had not complied with the Commission's directives and reiterated same to the Respondent. The Petitioner also gave a time frame of seven (7) working days within which the Respondent was to comply, failing which the Commission would commence Enforcement proceedings against the Respondent. The letter further directed the Respondent to submit to the Commission, a report on the electrocution incident in accordance with S.3.11 of the Distribution Code, as well as the report of compliance with the Commission's directives within the stipulated time frame.

However, the Respondent by a letter dated 31st July, 2007, in response to the Commission's letter of 24th July ,2007, submitted what it referred to as a "compliance report" to the Commission.

In February 2008, the Engineering Safety and Standards Division of the Commission took pictures of some of the Respondent's sub-stations which showed that the installations of the Respondent were in a technically unsafe state.

Subsequently, the Petitioner served on the Respondent a Notice of intention to commence Hearing as well as the Petition and Affidavit in support of Petition. The inquiry was to determine

- a. whether the Respondent complied with the Commission's directives; and
- b. whether the Respondent failed in its duty to comply with safety regulations and safety obligations under the Terms and Conditions of its Licence resulting in the explosion and death of the girl.

THE PETITION

The 15 paragraph Petition was supported by a 16 paragraph Affidavit and a 7 paragraph Further Affidavit. For purposes of clarity, the Petition, Affidavit and Further Affidavit filed by the Petitioner as well as the Reply and Counter Affidavit filed by the Respondent are reproduced below:

PETITION

- (a) The Petitioner is the Nigerian Electricity Regulatory Commission (hereinafter called “the Commission”), a statutory body established as the Regulator of the electric power Industry in Nigeria pursuant to the Electric Power Sector Reform (EPSR) Act 2005, with Headquarters at Plot 1099, First Avenue, CBD, FCT Abuja.
- (b) The Commission has amongst others, the statutory responsibility to regulate persons engaged in the generation, transmission, system operation, distribution and trading of electricity and to ensure the safety, security, reliability, and quality of service in the production and delivery of electricity to consumers pursuant to S.32(1) (e) and S.32(2)(d) of the EPSR Act 2005.
- (c) The Respondent is an electricity distribution Company licensed by the Commission, License No **NERC/LC/032**, to engage in the purchase and distribution of electricity in the Federal Capital Territory (FCT) and its environs. The License is hereby pleaded and will be relied upon at the inquiry.
- (d) The Respondent, as a Licensee, is subject to the terms and conditions of its Licence, the EPSR Act 2005, as well as the provisions of the Grid Code and Distribution Code being Regulations developed and issued by the Commission in consultation with the Respondent. The Grid code and Distribution codes are hereby pleaded and will be relied upon at the inquiry.
- (e) Section 75 of the EPSR Act 2005 gives the Commission power to enforce the terms and conditions of the license.
- (f) Section 81(2) of the EPSR Act provides that standards, codes and manuals (Grid code and Distribution code inclusive) issued by the Commission shall be binding on the licensees, and the terms and conditions of the licence provide that the Respondents shall ensure that it’s installations are safe and not dangerous to customers and the public in general.
- (g) On the **18th** of April 2007, a staff of the Commission, Mr. Ahmadu Zubairu who lives on Sirakoro Street, reported to the Commission that a little girl had been electrocuted at the sub-station of the Respondent situated at Blantyre Street, Wuse II, Abuja, and that the victim died shortly after the incident.
- (h) The Commission subsequently carried out a preliminary investigation on the said electrocution which revealed that the Respondent’s substation was not properly secured.
- (i) The outcome of the preliminary investigation seems to suggest that the electrocution of the child had occurred as a result of the failure of the Respondent to provide adequate

security at the sub-station as provided in the Respondent's licence as well as the relevant Regulations issued by the Commission.

- (j) In the course of the preliminary investigation, the Commission had a meeting with the officials of the Respondent on the 24th day of April 2007 at which the Respondent was directed to do the following:
- . Clear the bush and trees in the sub-station.
 - Construct a barbed wire fence and fit a gate to separate the sub-station from the walkway.
 - Carry out an audit of the Company's sub-stations in its area of operation and develop a program for securing them.
 - Take stock of all their installed equipment and ensure the safety of life and property in accordance with existing regulations
- (k) The Commission will be relying on the minutes of the said meeting at the inquiry and it is hereby pleaded.
- (l) Further directives were issued to the Respondent requesting compliance including obtaining a medical doctors' report on the deceased but to no avail. These letters would be relied upon at the inquiry and are hereby pleaded.
- (m) The Respondent in a letter dated the 31st July, 2007 stated that the Company had done the following:
- Embarked upon the enumeration of those compact units with a view to protect them against intruders;
 - 50 feeder pillars have been procured and are being installed to replace the ones in bad condition; and
 - Enlightenment campaign was being arranged to sensitize the Public on the danger of going too close to installations.
- (n) The Commission has inspected the substations in the Respondents area of operation and observed that they have not been secured to ensure the safety of life and property as directed by the Commission and in accordance with existing Regulations.
- (o) Pictures of the substations taken during the inspection by the Commission are hereby pleaded and will be relied on by the Commission at the inquiry.

If at the conclusion of Hearing, the Respondent is found to have willfully or unreasonably contravened any provision of the EPSR Act applicable to it, or failed to comply with any term or condition of the license, appropriate decisions would be taken by the Commission including the imposition of appropriate sanctions in accordance with section 74 of the EPSR Act 2005.

**AFFIDAVIT IN SUPPORT OF PETITION PENDING BEFORE A HEARING
PANEL CONSTITUTED BY THE NIGERIAN ELECTRICITY
REGULATORY COMMISSION AS CASE NO: NERC/01/000002/2008**

I, Ntui Columbus, male, Nigerian, staff of the Nigerian Electricity Regulatory Commission, do hereby make oath and state as follows:

1. That I am the Analyst in the Legal, Licensing and Enforcement Division of the Nigerian Electricity Regulatory Commission (“the Commission”) duly authorised by the Commission to make this affidavit on its behalf.
2. That the Commission with Headquarters at Plot 1099, First Avenue, CBD, FCT, Abuja, is a statutory body established pursuant to the Electric Power Sector Reform (EPSR) Act 2005, to regulate the electric power industry in Nigeria.
3. That the Commission has the statutory responsibility to ensure the safety, security, reliability, and quality of service in the production and delivery of electricity to consumers pursuant to S.32 (e) of the EPSR Act 2005.
4. That the Respondent is an electricity distribution company licensed by the Commission, License No **NERC/LC/032** to engage in the purchase and distribution of electricity in the FCT and its environs. The license is hereby attached and marked ‘Exhibit A’.
5. That the Respondent is subject to the terms and conditions of its License, the EPSR Act 2005, as well as the provisions of the Grid Code and Distribution Code being regulations issued by the Commission. The Grid Code and Distribution Code are hereby attached and marked Exhibit “ B” and “C” respectively.
6. That by virtue of Section 75 of the EPSR Act 2007, and the provisions of the Business Rules Regulations No. NERC-R-0306, the Commission may carry out investigations or Hearings into alleged violations of license terms and conditions, rules or regulations , codes of conduct and licensees obligations under the Act.
7. That the Commission has the powers to sanction any licensee for violating any provisions of the EPSR Act, rules or regulations, codes of conduct, terms and conditions of the license or licensees obligations under the Act.
8. That the Respondent, in accordance with the provisions of the EPSR Act 2005, the regulations as well as the terms and conditions of its License is to ensure that its installations are safe and not dangerous to Customers and the public in general.
9. That Mr. Ahmadu Zubairu, Principal Manager in the Licensing & Enforcement Division of the Commission who incidentally lives on Sirakoro street, within the

same location of the substation, informed me and I verily believe him that on the **18th** of April 2007, he reported to the Commission that a little girl had been electrocuted at the sub-station of the Respondent situate at Blantyre Street, Wuse II, Abuja, and that the girl died shortly after the incident.

10. That the Commission immediately carried out a preliminary investigation into the incident the outcome of which seemed to suggest that the electrocution of the child was as a result of the failure of the Respondent to adequately secure the sub-station as provided in the Respondents license as well as the relevant regulations issued by the Commission.
11. That the sub-station was unkempt, unsecured and a danger to the public. Attached herewith are pictures of the sub-station marked Exhibits “ D1-D7”.
12. That in the course of the preliminary investigation, the Commission had a meeting with the officials of the Respondent on the 24th day of April 2007, at which the Respondent was directed to do the following;
 - . Clear the bush and trees in the sub-station.
 - Construct a barbed wire fence and fit a gate to separate the sub-station from the walkway.
 - Carry out an audit of the Company’s sub-stations in its area of operation and develop a program for securing them.
 - Take stock of all their installed equipment and ensure the safety of life and property in accordance with existing regulations.

Minutes of the said meeting is attached and marked Exhibit “E”

13. That several letters were issued to the Respondent requesting compliance with the directives including obtaining a medical report on the deceased to no avail. Some of these letters are attached and marked Exhibits ‘F ’and ‘G’.
14. That instead, the Respondent in a letter to the Commission dated 31st July, 2007 claimed that the Company had:
 - embarked on the enumeration of those compact units with a view to protecting them against intruders.
 - procured 50 feeder pillars which are being installed to replace the ones in bad condition.
 - commenced preparation for the enlightenment campaign to sensitize the Public on the danger of going too close to installations.

A copy of the said letter is attached and marked Exhibit ‘H’.

15. That upon inspection of the sub-stations within the Respondent’s area of operation by the Commission, it was observed that they have not been secured to ensure the safety of life and property as directed by the Commission.

Attached herewith are pictures of the sub-stations taken in February, 2008 marked Exhibit 'J1-8'.

16. That I make this affidavit conscientiously and in good faith believing the contents to be true and correct and in accordance with the Oaths Act, 2004

**IN THE HIGH COURT OF THE FEDERAL CAPITAL
TERRITORY**

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT ABUJA

**FURTHER AFFIDAVIT IN SUPPORT OF PETITION PENDING BEFORE
A HEARING PANEL CONSTITUTED BY THE NIGERIAN ELECTRICITY
REGULATORY COMMISSION AS CASE NO: NERC/01/000002/2008**

I, Ntui Columbus, male, Nigerian, staff of the Nigerian Electricity Regulatory Commission, do hereby make oath and state as follows:

1. That I am an Analyst (Legal) in the Legal, Licensing and Enforcement Division of the Nigerian Electricity Regulatory Commission ("the Commission") duly authorized by the Commission to make this affidavit on its behalf.
2. That there is pending before the Hearing Panel constituted by the Commission a Petition (Case No: NERC/01/000002/2008) on an electrocution incident at the sub-station of Abuja Electricity Distribution Company.
3. That I had previously deposed to an affidavit in support of the said Petition.
4. That the Parents of the deceased informed me, and I verily believe them that after the incident the deceased was rushed to the General Hospital, Maitama from where she was referred to the National Hospital, Abuja where she eventually died.
5. That the National hospital issued a Medical Report as to the cause of death. The medical report is hereby attached and marked Exhibit "K".
6. That this further affidavit is necessary in order to enable the Panel to be fully seized of the facts of the incident and to assist it come to a just decision in the Petition before it.

7. That I make this affidavit conscientiously and in good faith believing the contents to be true and in accordance with the Oaths Act 2004.

Upon receiving the Petition, the Respondent in a letter to the Commission dated 26th March, 2008 requested an extension of time within which to file its reply to the Petition. This was due to the fact that they were invited to appear before the Committee of the House of Representatives conducting a Hearing on the Power sector, and the Public Holidays declared by the Federal Government to observe religious festivals.

Subsequently the Respondent filed a 20 paragraph reply and a 23 paragraph Counter affidavit deposed to by one Charity W. Jiya, a staff of the Respondent. The reply and Counter affidavit are also reproduced below:

REPLY

1. The Respondent, with Headquarters at No. 1 Loma Mansa Street, Wuse Zone 4, Abuja, is incorporated under the Companies and Allied Matters Act, 1990.
2. The Respondent is an electricity distribution company licensed by the Petitioner to engage in the purchase and distribution of electricity in the FCT and its environs.
3. The Respondent, as a Licensee, is subject to the terms and conditions of its licence, the EPSR, Act, 2005, as well as the provisions of the Grid Code, Distribution Code and other Regulations developed and issued by the Petitioner in consultation with the Respond.
4. The Petitioner should take notice of the fact that the approved Grid and Distribution Codes were released four months after the accident had occurred.
5. Respondent admits Section 75 of the EPSR Act, 2005 gives the Petitioner power to enforce the terms and conditions of the License.
6. The Respondent admits Section 81(2) of EPSR, Act, 2005 provides that standards, codes and manuals (Grid Code and Distribution Code inclusive) issued by the Petitioner shall be binding on the licensee(s) and the terms and conditions of the license provide that the Company shall ensure that its installations are safe and not dangerous to customers and the public in general.
7. On the 18th of April, 2007 Mr. Ahmadu Zubairu, a staff of the Petitioner, who lives on Sirakoro Street reported to the Respondent through a phone call at 6 pm that a little girl had been electrocuted at the Sub-station of the Company situated at Blantyre Street, Wuse II, Abuja.

8. Upon receipt of the information from Mr. Ahmadu Zubairu, the Wuse Business Unit, through its Service Manager, Engr. Bashir Maikudi, rushed to the scene of the incident. The area was cordoned off and safety/protective devices were immediately reinforced.
9. A formal report of the incident was addressed to the Chief Executive Officer of the Respondent in a letter by the Petitioner dated 19th of April, 2007. The letter is hereby pleaded and will be relied upon at the Hearing
10. The letter was received barely 15 hours after the incident had occurred. The Respondent was not allowed the 24-48 hour period to file a formal report to the Petitioner.
11. Upon receipt of the phone call from Mr. Ahmadu Zubairu, the Business Manager, Wuse also made a formal report of the incident to the Chief Executive Officer in a letter dated 19th of April, 2007. The letter is hereby pleaded and will be relied upon at the Hearing.
12. The Respondent agrees that on 24th April, 2007 the Chief Executive Officer of the Respondent in Company of the Business Manager, Wuse held a meeting at the instance of the Petitioner.
13. The minutes of the meeting are not a true and fair reflection of the deliberations that took place during the meeting. The second to the last sentence on paragraph 5, does not reflect what the speaker said. The mother of the deceased was traced to the Maitama General Hospital and their house at Mpape by our staff.
14. The minutes of the meeting were not circulated, no opportunity was given for correction and adoption and the Respondent only got to see it when the Petition was received.
15. The Respondent has substantially complied with the directives of the Petitioner arising from the meeting held on 24th of April, 2007 and has taken the following actions:
 - i. The Sub-station in question has since been cleared and secured
 - ii. Barbed wire fencing and gate as additional barrier to unauthorised personnel have been constructed.
 - iii. Defraying sundry costs for the medical expenses and funeral rites of the deceased.
 - iv. The mother of the deceased has been offered employment with the Respondent. Copies of employment letter and other relevant documents are attached and marked "Exhibit F"

- V. The replacement of bad/damaged/vandalized Feeder Pillars in the network within the limits of funds available. Copy of the list is attached and marked “Exhibit G”
- VI. The installation of burglar proof doors on Feeder pillars with vandalized/damaged doors. Copy of the list is attached and marked “Exhibit H”.
- vii. The Respondent has undertaken the Company’s Asset’s Audit, particularly in Wuse Business Unit and a programme has been put in place for replacement/securing of all dangerous Sub-stations Feeder Pillars.
- viii. An inventory of the Respondent’s assets is on hand and as much as possible, we are making efforts.

Copies of photographs of some of the actions taken are hereby pleaded and will be relied upon at the Hearing.

- 16. The Respondent had caused an investigation into the circumstances surrounding the electrocution. The report of the investigation was duly communicated in a letter dated 31st July, 2007 to the Commissioner (Engineering, Standard and Maintenance). A copy of the letter is hereby pleaded and will be relied upon at the Hearing.
- 17. The outcome of the preliminary investigation carried out by the Petitioner was not made available to the Respondent. The report is of interest to us and would have assisted us in making fair comments with regards to some of the conclusions reached.
- 18. A joint visit was undertaken to the scene of the accident by officials of the Petitioner and Respondent, which did not in any way suggest that live HV/LV bus bars electrical circuits were left open.
- 19. The Respondent denies any responsibility for obtaining a medical report. We do not consider a directive to the Respondent to produce the medical report fair in the circumstance.
- 20. The parents of the deceased, who took her to the hospital, were the only ones entitled to request for the medical report from the hospital and not a third party.

Dated this ...2nd.....day of ...April.....2007

J.I.Dodo

For : Abuja Electricity Distribution Plc.

**IN THE HIGH COURT OF THE FEDERAL CAPITAL
TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA**

**COUNTER-AFFIDAVIT IN SUPPORT OF REPLY TO THE PETITION
PENDING BEFORE A HEARING PANEL CONSTITUTED BY THE
NIGERIAN ELECTRICITY REGULATORY COMMISSION AS CASE NO:
NERC/01/000002/2008**

I, Charity W. Jiya, female, Nigerian, staff of the Abuja Electricity Distribution Plc, do hereby make oath and state as follows:

1. That I am the Manager (Legal) in the Legal Services Department of the Abuja Electricity Distribution Plc (“the Company”) duly authorized by the Company, as Respondent, to make this counter-affidavit on its behalf.
2. That the Respondent, with Headquarters at No. 1 Loma Mansa Street, Wuse Zone 4, Abuja is incorporated under the Companies and Allied Matters Act, 1990.
3. That the Respondent is an electricity distribution company licensed by the Petitioner to engage in the purchase and distribution of electricity in the FCT and its environs.
4. That the Respondent, as a License, is subject to the terms and conditions of its license, the EPSR, Act, 2005, as well as the provisions of the Grid Code Distribution Code and other Regulations developed and issued by the Petitioner in consultation with the Respondent.
5. That the Petitioner should take notice of the fact that the approved Grid and Distribution Code were released four months after the accident had occurred.
6. That the Respondent admits Section 75 of the EPSR Act, 2005 gives the Petitioner power to enforce the terms and conditions of the License.
7. That the Respondents admits Section 81 (2) of EPSR, Act, 2005 provides that standards, codes and manuals (Grid Code and Distribution Code inclusive) issued by the Petitioner shall be binding on the licensee(s) and the terms and conditions of the license provide that the Company shall ensure that its installations are safe and not dangerous to customers and the public in general.
8. That on the 18th of April, 2007 Mr. Ahmadu Zubairu, a staff of the Petitioner who lives on Sirakoro Street, reported to the Respondent through a phone call at

- 6 pm that a little girl had been electrocuted at the Sub-station of the Company situated at Blantyre Street, Wuse II, Abuja.
9. That upon receipt of the information from Mr. Ahmadu Zubairu, the Wuse Business Unit, through its Services Manager, Engr. Bashir Maikudi, rushed to the scene of the incident. The area was cordoned off and safety / protective devices were immediately reinforced.
 10. That a formal report of the incident was addressed to the Chief Executive Officer of the Respondent in a letter by the Petitioner dated 19th of April, 2007. The letter is hereby attached and marked “Exhibit A”
 11. That the letter was received barely 15 hours after the incident had occurred. The Respondent was not allowed the 24-48 hour period to file a formal report to the Petitioner.
 12. That upon receipt of the phone calls from Mr. Ahmadu Zubairu, the Business Manager, Wuse also made a formal report of the incident to the Chief Executive Officer in a letter dated 19th of April, 2007. The letter is hereby attached and marked “Exhibit B”.
 13. That the Respondent agrees that on 24th April, 2007 the Chief Executive Officer of the Respondent in company of the Business Manager, Wuse held a meeting at the instance of the Petitioner.
 14. That the minutes of the meeting is not a true and fair reflection of the deliberations that took place during the meeting. The second to the last sentence on paragraph 5, does not reflect what the speaker said. The mother of the deceased was traced to the Maitama General Hospital and their house at Mpape by our staff.
 15. That the minutes of the meeting were not circulated, no opportunity was given for correction and adoption and the Respondent only got to see it when the Petition was received.
 16. That the Respondent has substantially complied with the directives of the Petitioner arising from the meeting held on 24th of April, 2007 and has taken the following actions:
 - i. The Sub-station in question has since been cleared and secured.
 - ii. Barbed wire fencing and gate as additional barrier to unauthorized personnel have been constructed.

- iii. Defraying sundry costs for the medical expenses and funeral rites of the deceased.
 - iv. The mother of the deceased has been offered employment with the Respondent. Copies of employment letter and other relevant documents are attached and marked “Exhibit C”.
 - v. The replacement of bad/damaged/vandalized feeder pillars in the network within the limits of funds available. Copy of the list is attached and marked “Exhibit D”.
 - vi. The installation of burglar proof doors on Feeder pillars with vandalized / damaged doors. Copy of the list is attached and marked “Exhibit D”.
 - vii. The Respondent has undertaken the Company’s Asset’s Audit, particularly in Wuse Business Unit and a programme has been put in place for replacement / securing of all dangerous Sub-stations Feeder pillars.
 - viii. An inventory of the Respondent’s assets is on hand and as much as possible, we are making efforts.
Copies of photographs of some of the actions taken are attached and marked “Exhibit F”.
17. That the Respondent had caused an investigation into the circumstances surrounding the electrocution. The report of the investigation was duly communicated in a letter dated 31st July, 2007 to the Commissioner (Engineering, Standard and Maintenance). A copy of the letter is attached and marked “Exhibit G”.
18. That the outcome of the preliminary investigation carried out by the Petitioner was not made available to Respondent. The report is of interest to us and would have assisted us in making fair comments with regards to some of the conclusions reached.
19. That a joint visit was undertaken to the scene of the accident by officials of the Petitioner and Respondent, which did not in any way suggest that live HV/LV bus bars electrical circuits were left open.
20. That the Respondent denies any Respondent for obtaining a medical report. We do not consider a directive to the Respondent to produce the medical report fair in the circumstance.

21. The parents of the deceased, who took her to the hospital, were entitled to request for the medical report from the hospital.
22. That the parents of the deceased, who took her to the hospital, were ordinarily expected to have requested for a medical report from the hospital.
23. That I make this affidavit conscientiously and in good faith believing the contents to be true and correct and in accordance with the Oaths Act, 2006.

.....
DEPONENT

HEARING

The Petition came up for Hearing on the 22nd day of April, 2008. At the Hearing, the Petitioner was represented by Mr. Chijioke N. Obi appearing with Mr. Ahmadu Zubairu and Mrs. Ada Ozoemena. Mr. Isaac Okpanachi appeared for the Respondent with Mr. Justin I.Dodo.

Preliminary Objection

At the Hearing, the Respondent Counsel (RC) raised a preliminary objection, bordering on the constitutionality of the composition of the Panel.

According to him, the Panel constituted was not independent since the Commission was the Petitioner as well as the Panel to hear the Petition. Further, it was stated that the Petitioner's Counsel (PC) was also a staff of the Commission, and therefore there was a likelihood of bias. He referred to S. 36 (1) of the Constitution of the Federal Republic of Nigeria, 1999 which provides inter alia that

“.....a person shall be entitled to fair Hearing..... by a court or tribunal established by law and constituted in such a manner as to secure its independence and impartiality”.

He further stated that the Constitution being the Grund Norm provides that anything done by such a Tribunal if not so constituted as to secure its independence and impartiality will amount to a nullity. The RC was of the opinion that in order for the Panel to be validly constituted those members of the panel that had been involved in the investigation and any subsequent action with respect to the case should excuse themselves as they can be said to have formed opinions about the matter before the Hearing.

In his response, the PC agreed that the Constitution was the Grund Norm but that the Constitution in no way barred the establishment of Administrative panels of inquiry of which this was one. He stated that this was an Administrative Hearing and not a court and that it was in pursuit of the principle of fair Hearing that this Hearing was being conducted. He noted that the RC must be aware that the Commission has the power to issue Orders and could have done so without the Hearing but that this Hearing is being conducted to give the Respondent an opportunity to be heard in furtherance of the principles of fair Hearing.

He stated further that S. 74 of the EPSR Act 2005 allowed the Petitioner, upon its own initiative to enquire into the conduct of any Licensee in carrying out its obligations under its Licence.

In his response, the RC opined that the power of the Commission to conduct the Hearing was not in contention. The point of contention to him was the constitution of the Panel as it stood. He stated that his client would be willing to submit to the jurisdiction of the Panel if specified members of the panel were to step down from sitting. These members included the Chairman, the Commissioner, ES & S, the Commissioner, LL & E and the Commissioner, G & CA. He stated that these members

were involved in the matter before the date of the Hearing and would have formed opinions with respect to the issue prior to the Hearing.

He cited the case of *Legal Practitioners Disciplinary Committee Vs Gani Fawehinmi* in support of his position wherein the Supreme Court agreed with Chief Fawehinmi that a man shall not be judge in his own cause.

RULING ON PRELIMINARY OBJECTION

The Panel took a short break to consider the submissions of the RC as well as the response of the PC with respect to the Preliminary Objection. Upon resumption of the Hearing, the panel stated that it was the opinion of the Commission that the drafters of the Electric Power Sector Reform Act (EPSR Act) 2005 were well aware of the requirements of fair Hearing as well as the provisions of the Constitution in S. 36 (1). They agreed with the position of the PC that the provisions of section 74 were clear as to the power of the Commission to hold inquiries and Hearings with respect to matters within its powers. They ruled that the provision of the Act has not in any way qualified the powers of the Commission as was being suggested by the RC. Since all the Commissioners in the Commission were Executive Commissioners, it was presumed that they would all be involved in matters that arise in the course of the operations of the statutory functions of Commission. It therefore begs for reason the position that once a Commissioner has done anything in the performance of his duties where such a matter eventually comes into contention, such Commissioner was estopped from being on the panel of inquiry. The RC had not provided any proof that they will be prejudiced by the presence of these Commissioners on the panel.

The Panel therefore overruled the Respondent's objection and directed the Petitioner to open its case.

PETITIONER'S CASE

In opening the Petitioner's case, the PC moved the Petition pursuant to the inherent jurisdiction of the Commission. He relied on the 15 paragraph Petition, the 16 paragraph Affidavit and 7 paragraph Further Affidavit in support.

In his argument the PC stated that the Panel was sitting pursuant to the powers conferred on it by the Electric Power Sector Reform (EPSR) Act 2005 to carry out investigations and Hearings into violations of the Act and the Licence Terms and Conditions. The PC contended that there was a violation of the Licence issued to the Respondent by the Petitioner. He cited Section 74 which gives the Commission powers to, on its own initiative, inquire into the conduct or functions of any Licensee in carrying out the Licensee's obligations under the Act, Rules or Regulations, Codes of Conduct or the Terms and Conditions of the Licence. He further stated as follows:

- That the Respondent was in breach of Condition 18 of the Terms and Conditions of its Licence which requires the Licensee to take all reasonable steps to protect persons and property from injury and damage that may be caused in the course of carrying out its Licensed activities as well comply with all applicable Nigerian Laws and Regulations relating to the health and safety of the employees;
- That the sub-station concerned was unprotected and was a danger to members of the public which resulted in the events of 18th April 2007;

- That the Licensee is under an obligation to ensure that its installations are safe and not dangerous to customers and the public in general;

PC presented pictures of some of the sub-stations to show the state they were in. These pictures were said to have been taken in February 2008, several months after the directives were issued to the Respondent. The pictures showed the state of the sub-stations within the area of authority of the Respondent. He stated that such unsecured installations posed a danger to the public and were responsible for the incessant electrocution all over the country.

- That the Respondent was expected to fully comply with the directives since there was no provision for partial compliance. He contended that there were not to be half measures;
- That from April 25th to date, several letters had been written to the Respondents requesting compliance to no avail;
- That rather, the Respondent wrote a letter dated 31st July 2007 stating that they had embarked upon the following activities:
 - Enumeration of *compact units* with a view to protecting them against intruders;
 - procurement of 50 feeder pillars to replace bad ones; and
 - a public enlightenment campaign.

The PC called three witnesses in support of the Petitioner's case. The first witness was Engr Wudil, (PW 1), an electrical Engineer and staff of the **Petitioner**.

In his evidence-in-chief, PW 1 said that on a visit to the sub-station, it was discovered that the sub-station was covered with a lot of weed and that the gate was not locked making it possible for any person or even animals to gain entry into the equipment. PW 1 posited that the Respondent's reported action did not amount to compliance with the directives of the Commission as could be seen in the pictures presented to the panel which showed the state of the sub-stations within the Respondent's area of operation.

He stated that he had personally gone round the sub-stations and taken some of the pictures himself and that other colleagues of his had visited the same substations and made the same observations. Upon being asked what constitutes a standard sub-station, PW 1 referred the Panel to the Regulations on Electricity Safety and Standards under CAP 106. He stated that these standards were not observed at the sub-station in question. On conclusion of examination by the PC, the panel requested the RC to cross examine the PW 1.

The RC requested for a short adjournment for cross-examination and to consult with his client since the issues raised in the examination-in-chief were technical and needed to be properly analyzed. He maintained this position with regards to the two other witnesses called by the Petitioner's counsel. The panel obliged his request to cross examine the Petitioner's witnesses at the next adjourned date.

The second Petitioner's witness, PW 2, Dr. Oluwale Olayele Olayemi said he holds a Bachelor of Science Degree in Medicine and Surgery. He is a Fellow of the International College of Surgeons and a qualified Surgeon working with the National Hospital, Abuja. According to him, the deceased, a six year old girl was brought to the National Hospital, Abuja on the 18th April 2007 on referral from the Maitama General Hospital Abuja following severe burns from electrocution at a PHCN sub-station in Wuse 2, Abuja. In his testimony, he stated that the deceased suffered 50% burns covering the face, trunk, upper limb and one of the knees; the girl later died on the 19th April 2007.

PW 2 posited that the likely cause of death was the burns since severe burns of 50% in anybody is automatic mortality especially in electrical burns which he said cooks the muscles.

PW 3, Mohammed Balama Imam said he was a staff of the Nigerian Electricity Regulatory Commission with the Engineering Division. He gave evidence to the effect that he visited some of the sub-stations of the Respondent in August and September 2007 and finally in February 2008. He stated and confirmed that he took the pictures of the sub-stations during his last visit in February 2008.

The matter was adjourned to the 25th day of April, 2008 for cross-examination by the RC and continuation of Hearing.

CONTINUATION OF HEARING---25TH APRIL, 2008

On resumption of Hearing, the Respondent, now represented by J.I.Dodo, a staff of the Respondent, declined going on with the cross-examination but stated that the Respondent would like to make a statement through its Head of Technical Services (HTS) Engr. C.U. Onyenike.

The HTS confirmed that the Respondent was well aware of its responsibilities on Safety. He highlighted the efforts of the Respondent on ensuring the safety of their installations. He provided that the pictures presented by the PC were not in their priority areas as some of the sub-stations had not been commissioned. He stated that very soon the Respondent's entire network will be sanitized.

He narrated that in Undertakings and Business Units, safety meetings are held fortnightly and the same applies at the zonal level. According to him, the Respondent had now fenced the sub-station, conducted an audit of its sub-stations and had a good relationship with the victim's family. The Commission sought to know the time frame for the completion of the audit. The HTS stated that a likely timeframe for the Respondent to fully comply with the directives of the Commission is about two to three years. According to him, this was due to the fact that there were over 7000 sub-stations in their area of operation which also comprised the whole of Nasarawa, Kogi and Niger states. He explained that they intended to follow a program for the upgrade of their network which will cost a substantial part of their budget.

The RC confirmed that the intention of the Hearing was to enable the panel consider the conduct of the Respondent and the issue of compliance. He then urged the Panel to

temper justice with mercy as both organizations share the same interest in the matter. He explained that the Respondent was not interested in going on with the matter and therefore would not cross-examine the witnesses called by the Petitioner.

CONSIDERATION OF THE ISSUES BEFORE THE COMMISSION

Notwithstanding the Respondent's admission of non compliance with the Commission's Directives, the Commission has a duty to consider the various positions of the parties based on the documents filed and relied upon by them prior to this admission.

The issues for determination can be broadly divided into the following three questions:

- ◆ Whether the Abuja Electricity Distribution Company owes a duty of care and safety?
- ◆ Whether the events of the 18th of April 2007 resulted from a breach of such duty?
- ◆ Whether the non-compliance of the Abuja Distribution Company with the Directives issued by the Commission amounts to further breach of the Terms and Conditions of the Licence issued to the Respondent and constitutes an infringement under the EPSR Law by the Company?

In deciding the matter, the panel relied on the Petition, the Reply, the Affidavit and Counter Affidavit submitted by the parties as well as statements made at the Hearing.

The Panel has listened to the case of the Petitioner and the plea of the Respondent impliedly accepting that it did not fully comply with the Commission's directives.

Although the RC did not orally argue the Respondents reply, the Panel considered the issues raised in the documents submitted by the Respondent.

Issue No. 1

Whether the Abuja Electricity Distribution Company owes a duty of care and safety under the EPSR Act, the EIS Safety Regulations, the Distribution Code, as well as under its Licence Terms and Conditions?

The Respondent admits most of the averments of the Petitioner in the Petition but denies and contends a few issues. For instance, the Respondent agrees in paragraph 3 of its Reply and paragraph 4 of its Counter Affidavit that as a Licensee, it is subject to the Terms and Conditions of its Licence, the EPSR Act 2005, the Grid Code, Distribution Code and other Regulations developed and issued by the Petitioner. It however, contends in paragraph 4 of its Reply and paragraph 5 of its Counter Affidavit

respectively that the Grid Code and Distribution Code were released four months after the incident had occurred.

This Panel agrees with the Respondent that the Grid Code and Distribution Code became operational after the incident had occurred and therefore, do not apply in the instant case. This fact does not however absolve the Respondent from its duty of care to persons and property under its Licence Terms and Conditions.

Condition 18 (1) of the Licence Terms and conditions deals with Health and Safety Standards provides as follows:

“The Licensee shall take all reasonable steps to protect persons and property from injury and damage that may be caused by the Licensee when carrying out the Licensed Business”.

Condition 18(2) of the Licence provides that the Licensee shall comply with all applicable Nigerian Laws and Regulations relating to the health and safety of employees and of the public.

Deriving from this therefore, the provisions of the Electricity Supply Regulations, (made pursuant to the Electricity Act, CAP 106/E7 of 1996(1)) become relevant and applicable. This Regulation, which subsists pursuant to S.98 of the EPSR Act and applicable to the Licensee by virtue of Condition 18(2), provides amongst others that

“All power-houses and all substations shall be enclosed and due precautions taken to render them inaccessible to unauthorized persons”.

Ruling on Issue 1

We therefore answer ISSUE NO. 1 in the affirmative, that the Respondent owes a duty of care and safety under the EPSR Act, the EIS Safety Regulations, as well as under its Licence Terms and Conditions (and henceforth under the Distribution Code which is now applicable to all Distribution Licensees).

Issue No. 2

Whether the events of the 18th of April 2007 resulted from a breach of such duty?

With respect to the second issue before the Panel, whether the Respondent failed in its duty and therefore occasioned the accident of the 18th of April 2007, we note from the Letter of the Respondent to the Petitioner dated 31st of July 2007 in response to the request for a compliance report by the Petitioner dated 24th April 2007, the following assertions:

- ◆ That the Disco had set up a special Committee (comprising staff of the Disco) to investigate the incident;
- ◆ That the Committee visited relevant places in the course of its investigation;

- ◆ That at the scene of the accident, the Committee found that:
 - the doors of the transformer were factory safety protective doors with screw locks;
 - That the HV panel side had been vandalised and the slab had collapsed;
 - That only one of the two reflective lights was properly placed, the other was broken and had been removed by unknown persons;
 - That there was an 11KV cable trench indicating the presence of underground cables to warn construction workers and passers-by;
 - That the sub-station was not very tidy; and
 - That the woman left her minor child unattended and she strayed into the compact unit and got electrocuted.

This brings us to a consideration of the reports being relied upon by the Respondent. The Respondent had **in paragraph 11** of its Reply **and paragraph 12** of its Counter Affidavit stated that on receipt of the information on the electrocution, its Business Manager made a formal report (Exhibit BB) to its Chief Executive Officer. There was yet another report dated 27th April 2007 from the Business Manager, Wuse Business Unit to the Respondent's Chief Executive Officer. A careful perusal of these reports, raise a number of issues which border on inconsistency and contradictions in the Respondent's case thereby putting this panel at a precarious position as to what to believe.

- (1) In a report from the Respondents Business Manager to its Chef Operating Officer dated 19th April 2007(Exhibit BB), the Respondent admitted that there were live bus bars when it stated that it was not clear whether the girl used something in her hands to touch live bus bars, or threw something inside while she was nearby or simply touched the bars or cable lugs. But in contradiction to this position, the respondent claimed in paragraph 18 of the reply and paragraph 19 of the counter affidavit, that in the joint visit with officials of the Petitioner to the scene of the accident, it was discovered that live HV/LV BUS bars electrical circuits were not open. However, the minutes of the meeting had also recorded that when a visit was paid to the scene there was a pool of dried blood very close to the H.V panel suggesting that the victim had come into contact with part of the live H.V connection.
- (2) By the account of the Respondent's Business officer in the 19th April report (Exhibit BB), their visit to the Maitama General Hospital where the girl was first taken indicated that the girl was treated for minor burns in her hands and discharged by the Hospital. This claim was also repeated in the April 27th report from the Business Manager to the Respondent's Chief Executive Officer and in the letter (report) from the Respondent to the Commission dated 31st July, 2007.

In this latter report, the Respondent claimed that when the Business Unit of the Respondent visited the family of the girl, they saw her playing.

The Respondents assertion was contradicted and discredited by the evidence of the medical doctor (PW 2) from the National Hospital Abuja in his evidence-in-Chief. PW2's evidence was not contradicted by the Respondent. According to PW 2, the girl was referred from Maitama General Hospital to the National Hospital Abuja on the 18th April, 2007 where she eventually died in the morning of the 19th of April, 2007 after all efforts to revive her failed. Furthermore, PW 2, said the deceased suffered 50% burns which meant that the deceased had little or no chance of survival. He said it was impossible for a person with the magnitude of burns the deceased sustained to have survived such let alone engage in outdoor games as claimed by the Respondent. Finally, PW 2 said the cause of death was the burns sustained as a result of the electrocution.

From the various reports, we find that the Sub-station was not secured as it should have been. The Respondent avers in this Report that the minor girl had wandered into the sub-station. Had the sub-station been properly secured this would not have happened. Also, by the Respondent's own account, when they visited the scene of the accident, safety and protective devices were immediately reinforced. This presupposes that safety devices at the site at the time of the incident were inadequate.

Similarly, the Petitioner had claimed in paragraphs **H** and **I** of its Petition and **Paragraphs 10 and 11** of its Counter Affidavit that the result of its preliminary investigation seemed to suggest that the electrocution of the child was as a result of the failure of the Respondent to adequately secure the substation and that the substation was unkempt, insecure and a danger to the public.

In reply, the Respondent stated in paragraph 8 of its reply and paragraph 9 of its Counter Affidavit that upon receipt of information of the accident, its Service Manager, Engr. Bashir Maikudi rushed to the scene, cordoned off the area and reinforced the safety/protective devices This statement supports and gives credence to the Petitioner's position that the sub-station was not properly secured in line with its Licence Terms and Conditions and the provisions of the Electricity Supply Regulations (made under the Electricity Act, CAP 106/E7 of 1996(1-6).

Similarly, the Respondent stated in paragraph 16 of its Counter Affidavit that it had substantially complied with directives of the Petitioner arising from the meeting of 24th April, 2007, and consequently taken some actions which include the following:

- The sub-station in question had since been cleared and secured; and
- Barbed wire fencing and gate as additional barrier to unauthorized personnel had been constructed.

Also of relevance is the admission by the Respondent in their reports that during the course of the preliminary investigation of the incident at the site, there was need to install safety devices.

Ruling on Issue 2

We therefore hold that the events of the 18th of April, 2007, that is, the electrocution and subsequent death of the little girl resulted from a breach of duty of care and safety owed by the Respondent. This fact has not at all been rebutted by the Respondent.

Issue No. 3

On whether the non-compliance of the Abuja Distribution Company with the Directives issued by the Commission amounts to a further breach of the Terms and Conditions of the License issued to the Respondents and constituted an infringement under the EPSR Act 2005 by the Respondent?

Condition 3 of the Licence Terms and Conditions provides that

“ the Licensee shall comply with any orders, directions and determinations made by the Commission pursuant to the Act, any regulations made under the Act, or this License”.

In **paragraph J** of the Petition, the Petitioner stated that in the course of its preliminary investigation, the Commission had a meeting with officials of the Respondent on the 24th of April, 2007 at which the Respondent was issued with some directives which were spelt out in the minutes of the meeting. The Commission subsequently issued formal Directives to the Respondent via a letter dated 24th July, 2007 directing them to comply with the Directives of the Commission within a specified timeframe and asking that a compliance report be forwarded to the Commission.

In response, the Respondent in **paragraph 3** of its Reply and **paragraph 4** of the Counter Affidavit admitted that as a Licensee, it is subject to the Terms and Conditions of its Licence part of which is to comply with orders, directions and determinations made by the Commission...” The Respondent however disputed the records of minutes of the meeting as not being a true and fair reflection of deliberations that took place during the meeting; that the said minutes were not circulated and no opportunity given for the correction and adoption of same by the Respondent.

The Panel agrees with the Respondent that the minutes of the meeting should have been circulated to the parties present for correction and adoption. The non circulation of the minutes by the Petitioner for correction and adoption ordinarily should affect its acceptability as a true and fair reflection of its contents and also the weight to attach to it. However, it does appear that the only ground of contention noted by the Respondent with respect to the minutes is the Petitioner’s assertion in the second to the last line in paragraph 5 which according to the Respondent did not reflect what the speaker said. The records in the minutes were that the Business manager had informed the meeting that “the victim’s family was very hostile to them when they tried to visit to condole with them on the death of their daughter”. The Respondent was of the view that this was a distortion of what was said at the meeting and instead claimed in the same paragraph 5 of the reply that the mother of the deceased was traced to the Maitama General Hospital and their house at Mpape.

This panel is of the view that the Respondent's area of contention with the minutes of the meeting is not fundamental enough to strike at the root of the existence of the minutes. The Respondents have not denied that the meeting was held neither have they denied that Directives were issued at said meeting. As a matter of fact, the Respondent by its own admission in paragraph 15 of the Petition and paragraph 16 of the counter affidavit stated that the "Respondent has substantially complied with the directives of the Petitioner arising from the meeting held on 24th of April, 2007..." as captured in the minutes of the meeting.

One remarkable feature in the Respondent's response was that it chose which aspect of the minutes to adopt and which to dispute. While it drew attention to the fact that it had no opportunity of sighting the minutes for correction and adoption as a fair and true reflection of what transpired at the meeting, it also agreed with the contents of the minutes with regards to the directives issued.

It is pertinent to point out that the Commission's initial directive to the Respondent arising from the electrocution incident was contained in the letter from the Commission dated April 19, 2007 (Exhibit A). Therein, the Commission directed the Respondent to carry out an audit of its distribution sub-stations and ensure that appropriate safety standards were applied as regards making them inaccessible to unauthorized persons. Subsequent to this was the meeting of the 24th April, 2007. The Commission further enlarged the initial directive at this meeting.

Finally, the Commission, in a letter to the Respondent dated 24th July 2007, while observing that the Respondent had still not complied with the Commission's directives, directed the Respondent to submit to the Commission, a report on the incident in accordance with S.3.11 of the Distribution Code as well as the report of compliance within seven days of the date of the directive failing which the Commission would commence Enforcement proceedings against it.

By the Respondents admission, it substantially complied with the directive of the Commission but not fully.

Notwithstanding the Respondent's complaint in **paragraph 10** of its Reply and **paragraph 11** of its Counter Affidavit that the Petitioner did not allow it 24-48 hours to send in its report, the Respondent admitted in **paragraph 16** of its Reply and paragraph 17 of its Counter Affidavit that it only sent the report to the Commission via a letter dated 31st July 2007, after the Commission's reminder in its letter dated 24th July, 2007; a time frame of about three months after the incident and after the initial directive to send in the report.

It is our considered opinion that the Respondent having been issued the requisite directives and having been given enough time to comply, has failed to do so and cannot be said to be in compliance with the directives of the Commission.

Ruling on issue 3

We hold that having not fully complied with the directives of the Commission, the action of the Respondent amounts to a further breach of the Terms and Conditions of the Licence issued to the Respondents, and constitutes a breach under the EPSR Act 2005.

DECISION

After due consideration of all the issues and the totality of the evidence adduced by parties, the Commission finds as follows:

1. That the Respondent being a Licensee is subject to the provisions of the Electric Power Sector Reform (EPSR) Act 2005 and Regulations made pursuant thereto, the Terms and Conditions of the Licence issued it by the Nigerian Electricity Regulatory Commission (NERC), the Electricity Supply Regulations (made under the Electricity Act, CAP 106/E7, which subsists by virtue of S. 98 of the EPSR Act 2005; and the Distribution Code.
2. That being subject to these enactments, the Respondent owes a duty of care and safety to its employees and the public in its operations, and in the instant case, that duty was breached due to the negligence of the Respondent; a breach which resulted in the electrocution and subsequent death of the little girl; and
3. That the Respondent although bound by law to obey the Orders and Directives of NERC, ignored, refused and or neglected to fully comply with the Directives of NERC .

In view of this, IT IS HEREBY ORDERED AS FOLLOWS:

- (1) The Respondent shall undertake a safety audit of all its installations in its area of operation and shall submit such Report to the Commission within 30 days of the issuance of this Order. Failure to comply with this Order shall attract a fine of N10,000.00 (Ten thousand Naira only) for every day that the Respondent remains in default of compliance; and
- (2) The Respondent shall forward to the Commission for approval, a work plan with timelines on how it intends to secure its installations within 30 days of the issuance of this Order. Failure to comply with this Order shall attract a fine of N10,000.00 (Ten thousand Naira only) for every day that the Respondent remains in default of compliance; and
- (3) The Respondent shall embark upon a public enlightenment campaign on the dangers posed by the electrical installations and the dangers inherent in handling such equipment by unauthorized persons within 28 days of the date of this Order. This programme of public enlightenment shall be submitted to the Commission within 21 days of the date hereof. Failure to comply with this Order shall attract a

fine of N10, 000.00 (Ten thousand Naira only) for every day that the Respondent remains in default of compliance.

FURTHER ORDER:

The Commission views with great concern the frequency of electrocution occurrences industry wide. An average of 20 incidents are recorded nation-wide every month. The Commission will henceforth bring to bear the full force of the Law on erring Operators.

Consequently, and pursuant to S. 32 (e) of the EPSR Act 2005, the Commission HEREBY ORDERS ALL LICENSEES AS FOLLOWS:

- (1) Within 45 days from the date hereof, to submit a Health and Safety Audit Report on all their facilities to the Commission.
- (2) Comply strictly with the Incident reporting procedures/Regulations.
- (3) Embark on Safety awareness campaigns in their areas of operation and report on same to the Commission
- (4) Submit a work plan on how to achieve the foregoing to the Commission within 45 days from the date of this Order.

DATED THIS 5TH DAY OF JUNE 2008

.....
Mallam Abdulrahman Ado
Ag. Chairman

.....
Dr. Alimi Abdul-Razaq
Commissioner
Legal, Licensing & Enforcement