

BEFORE THE NIGERIAN ELECTRICITY REGULATORY COMMISSION

HOLDEN AT ABUJA

CASE NO: NERC/01/000002/2008

IN THE MATTER OF:

IN THE MATTER OF THE ELECTROCUTION INCIDENT
AT THE SUB-STATION OF ABUJA
ELECTRICITY DISTRIBUTION COMPANY AT
BLANTYRE STREET, WUSE II, ABUJA.

BETWEEN:

PETITIONER:

NIGERIAN ELECTRICITY REGULATORY COMMISSION

Adamawa Plaza

Plot 1099, First Avenue
CBD, FCT, Abuja

AND

RESPONDENT:

ABUJA ELECTRICITY DISTRIBUTION COMPANY

Abuja Distribution zonal HQ
Loma-Mansa street, off IBB Way
Wuse Zone 4, FCT Abuja

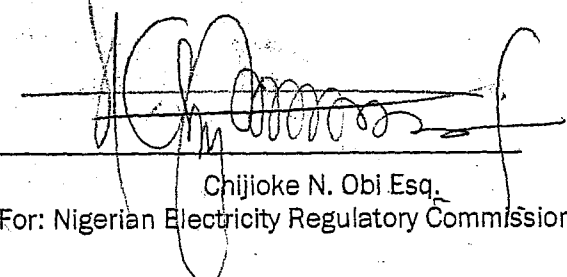
PETITION

- 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 ensure the safety, security, reliability, and quality of service in the production and delivery of electricity to consumers and to regulate persons engaged in the generation, transmission, system operation, distribution and trading of electricity 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, Licence No NERC/LC/032, to engage in the purchase and distribution of electricity in the Federal Capital Territory (FCT) and its environs. The Licence is hereby pleaded and will be relied upon at hearing.
- D. The Respondent, as a Licensee, 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 Commission in consultation with the Respondent. The Grid code and Distribution code are hereby pleaded and will be relied upon at the hearing.
- 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 its 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, which is adjacent to Sirakoro Street, and that the victim died shortly after the incident.
- H. The Commission subsequently carried out a preliminary investigation on the said electrocution which revealed amongst others 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 license 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:
 - 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 develop a program for securing them.

- iv. 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:
- i. Embarked upon the enumeration of those compact units with a view to protect them against intruders.
 - ii. Procurement of 50 feeder pillars which are being installed to replace the ones in bad condition
 - iii. Enlightenment campaign 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 Licence, appropriate decisions would be taken by the Commission including the imposition of appropriate sanctions.

Dated thisday of 2008


Chijioke N. Obi Esq.
For: Nigerian Electricity Regulatory Commission

On Notice:

Mr & Mrs Fadeyi (Parents of the deceased Parents)
c/o Abuja Capital Motors (Leventis Group)
Central Business District
Abuja.