

1 *Nigerian Electricity Regulatory Commission (NERC)*

2 HOLDEN AT ABUJA

3 **This Friday 25th Day of April 2008**

4
5 **CASE NO: NERC/01/000002/2008**

6
7 NIGERIAN ELECTRICITY REGULATORY COMMISSION APPELLANT

8 **VS**

9 ABUJA ELECTRICITY DISTRIBUTION COMPANY LTD RESPONDENT

10 **TRANSCRIPT
OF
PROCEEDINGS**

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13 **BEFORE THE EXECUTIVE CHAIRMAN AND HONOURABLE COMMISSIONERS:**

14 DR. RANSOME E. OWAN CHAIRMAN
15 DR. ALIMI ABDUL-RAZAQ COMMISSIONER
16 PROF. O.C. ILOEJE COMMISSIONER
17 DR. GRACE ENYOMA COMMISSIONER
18 ENGR. ABIMBOLA ODUBIYI COMMISSIONER

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21 **APPEARANCE**

22 CHIJIJOKE OBI
23 With AHMADU ZUBAIRU } for the Petitioner
24 ADA OZOEMENA }

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26 J. I DODO for the Respondent

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29 SUNDAY ADEAGBO for the Fadaeyi family

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36 **Transcriber: Ukenna Chizoba**

37 **Audio Recording Operator: Ukenna Chizoba**

1 **NP:** May we all rise.

2 **EC:** Please be seated. We ask that you put your mobile phones on silence or switched
3 off, please.

4 **NP:** Case No NERC/01/000002/2008- Nigerian Electricity Regulatory Commission
5 Vs Abuja Electricity Distribution Company. Mr. Chairman, the case is for
6 continuation of hearing.

7 **EC:** Thank you. Counsel for the Petitioner.

8 **PC:** With due respect my name is Chijioke N.Obi. I appear for the Petitioner.
9 Appearing with me are one Zubairu and Ada Ozoemena.

10 **RC:** With due respect, my name is J.I Dodo, appearing for the respondent.

11 **EC:** Thank you.

12 **NCC:** With greatest respect to the Honourable Commission, S. B. Ajagbo is my
13 name. I hold the watching brief for the Fadaeyi's family.

14 **EC:** Thank you. When we last convened, the Petitioner stated its case and witnesses
15 were called and we adjourned to allow the Respondent to fully prepare for the new
16 information that were not available to them at the beginning of the case. We welcome
17 you all this morning. Counsel for the Petitioner, do you have the witnesses from the
18 last time they were here, do you have them prepared?

19 **PC:** Yes, Sir.

20 **EC:** Thank you. The Respondent did not have the opportunity, I mean, they did not
21 cross examine those witnesses and so to commence, we will ask the Respondent, give
22 them the opportunity and we have the witnesses available if they wish to cross
23 examine them at this point, counsel.

24 **RC:** With due respect, Sir, we do not intend to cross examine the witnesses of the
25 prosecution. However, we want to use this opportunity to ask the kind permission of
26 this panel to allow us make a statement as it were. We have one representative who is
27 going to speak on behalf of the company. I want to ask the kind permission of this
28 panel to allow us do so, Sir.

29 **EC:** So granted.

30 **RC:** I like to invite the head of technical services, Engr. C. U Onyenike. I wish him to
31 give a statement on the state of our network.

32 **EC:** Please, come forward.

1 **ENGR. C.U.ONYENIKE:** The Chairman, Sir, panel Members, good morning to
2 everybody. Ahm, what has brought all of us here today bothers very much on safety.
3 So, before I go into the issue, I want to inform you all that as staff of PHCN, we spent
4 most of our time and money on safety. Safety has always been first in whatever we do
5 and that is a very popular slogan in our industry. In Undertakings and Business
6 Units, safety meetings are held 4th nightly and the minutes of such safety meetings
7 are usually sent to my office and even in our zonal, at our zonal level, we also hold
8 safety meetings quarterly to review all that has been discussed in all the
9 Undertakings and Business units to co-ordinate and make sure that nothing short of
10 placing safety first eh, eh, is in our conduct. Ehm, whatever at any time for any
11 reason, we always place safety first because we know the importance of it. We
12 operate a network which has introduced a skidder system and that is to make sure
13 that when we in the, we, we operate our injection sub-station remotely I our, in the
14 skidder system, we ensure safety in those injection sub-stations and we are the first
15 to do this in the Sub-Sahara Africa. And this preamble is to ensure you that be that as
16 it may, whatever has happened, we don't joke with safety and we have no plans to
17 joke with safety because if eh, if eh, our safety system fails, our lives will be in
18 jeopardy and the equipments will be lost. So, there is no two ways about it except to
19 play safety first. Most of our budget honestly is spent in safety and we will continue
20 to do that. Then, ehm, on the issue on the ground, ehm, honestly, we are all sorry for
21 what happened and I want to tell you that ehm, it is not as if we, the, our safety
22 system failed in that circumstance and the, the discussions we have had with
23 regulators on ehm, this issue we try to implement all them. We have very good
24 relationship now with the victim's family and we have fenced the sub-station in
25 question and we have also conducted an audit of our stations. We have bought a lot
26 of equipments and, and invested in the, in the area where that safety, that
27 unfortunate incidence happened and we have a programme for the whole network, is
28 the whole industry's network but eh, we, the, the total number of our sub-stations is
29 close to 7000 and this network has been existing for over 30years and you will agree
30 with that we cannot right all those things that we are not, could right within 1year or
31 6 months. So, what the, what we doing is that we are ehm, ehm, we have got an audit
32 of the whole place and we are trying to take the worse ones first and that is why, if

1 | you look at the pictures showed they are not eh, the, in our priority areas and in fact
2 | some of them are sub-stations that are not yet commissioned. So, having said that, I
3 | still maintain that ehm, eh, with what we have in place, very soon the entire network
4 | will sanitized and this situation will no longer arise. Thank you, Sir.

5 | **EC:** Yes, thank you. One question for you. Do you have a time frame in mind that
6 | you, will take you to complete because this case is about, you say you are
7 | substantially complete and you say you should have been fully in compliance with
8 | our directives. Is there a time frame that you think you need to do this work?

9 | **ENGR. C.U.ONYENIKE:** Mr. Chairman, Sir, as I said earlier, the network has over
10 | 7000 sub-stations and it is, it is eh, we have a program, that is listing it from the
11 | worse to the fairly good. It is a network that ehm, ehm, cannot be said to be excellent
12 | and what we are saying is that as, since we are taking it first, since we are taking the
13 | issue of safety first, we are, we are going to spend the substantial part of our budget
14 | in implying with eh, the, the , the license conditions and what I 'm saying is that may
15 | be if we take it about five six every month depending on whatever our budget can,
16 | may carry, it may now take us upwards of about two three years to get to completion
17 | because we are not only looking at Abuja, we are also controlling ehm, ehm, the
18 | whole of Nassarawa State, Kogi State and Niger State and that is, is the sub-stations
19 | in all these states and the FCT that sum up about that 7000 which I said.

20 | **EC:** Thank you. Counsel for the Petitioner, cross examination?

21 | **PC:** Ehm, no. The counsel on the other side has said he doesn't want to cross
22 | examine, and if there is no cross examination, there won't be any re-examination.
23 | The only thing I have to say, Sir, is that I urge, we want to urge the panel to take the
24 | interest of the public into consideration in whatever decision it gives. Thank you.

25 | **EC:** Thank you. We would now come, find out from the bench. Are there any
26 | questions?

27 | **HC1:** No questions.

28 | **HC3:** No questions.

29 | **EC:** Questions?

30 | **HC4:** No question.

31 | **EC:** Questions?

32 | **HC2:** No question.

1 **EC:** Closing statement. The Respondent, have you closing statement?
 2 **RC:** With due respect, Mr. Chairman and the Members of the panel, ahm, when we
 3 started this matter, it was to enable the panel consider the conduct of the
 4 Respondent in this matter and issue of compliance. What the representative has just
 5 said, I'm sure has satisfied the panel. I want to urge this panel to look at this matter
 6 dispassionately and try and meet, tamper justice with mercy were we are found
 7 erring. But I do believe that we share the same interest in this matter and I want to
 8 ask the panel to also look at, we also interested in the, in the public. We are serving
 9 the public and I believe we have a common interest. And therefore, whatever
 10 decision that this Honourable panel is going to take we believe it is going to meet the
 11 standard of justice. Not just here in Nigeria but internationally. Thank you, Sir.
 12 **EC:** Thank you. Counsel for the Petitioner, closing statement?
 13 **PC:** No closing statement. I have already made my closing statement. Thank Sir.
 14 **EC:** Thank you. We thank you all for your representations that you have made. The
 15 Commission has written representations and we have also taken oral representations
 16 last time and today. One of the cardinal responsibilities of the Commission is to
 17 ensure that electricity is safe and reliable for all consumers in the country and we
 18 take this responsibility very seriously. We have all the information we need and the
 19 Commission will provide a ruling within 30days. This case is adjourned.
 20 **NP:** Court.

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 22 **CERTIFICATION**
 23

24 *I, **Ukenna Chizoba**, the assigned transcriber, do hereby certify that the*
 25 *foregoing transcript of proceedings on the **Tape No.1, Index No.1 to***
 26 ***990** is prepared in full compliance with the current Transcript Format for*
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 28 *proceedings as recorded.*
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 32 *Signature* *Date*

Legend: EC (Executive Chairman), VC (Vice Chairman), HC (Honourable Commissioner), HC1 (Dr. Abdul-Razaq), HC2 (Prof. Iloeje), HC3 (Dr. Enyoma), HC4 (Engr. A. Odubiyi), HC5 (Engr. Bunu), P (Petitioner), PC (Petitioner Counsel), R (Respondent), RC (Respondent Counsel), NC (Nominal Complainant), NCC (Nominal Complainant Counsel), W (Witness) PW (Petitioner's Witness), RW (Respondent's Witness) NP (Notary Public)