



BEFORE THE NIGERIAN ELECTRICITY REGULATORY COMMISSION

HOLDEN IN LAGOS.

CASE NO: NERC/03/000001/2007

IN THE MATTER OF THE SUPPLY OF ELECTRIC POWER TO
AND EXCESS CHARGES BILLED THE RESIDENTS OF THE VICTORIA
GARDEN CITY (VGC) ESTATE, LAGOS.

BETWEEN

PETITIONER: AELEX SOLICITORS (FOR AND ON BEHALF OF MRS FUNKE
ADEKOYA (SAN))

AND

RESPONDENTS: 1. VGC MANAGEMENT & MAINTENANCE COMPANY
LTD. (“VGC MANAGEMENT”)
2. EKO ELECTRICITY DISTRIBUTION COMPANY (“EEDC”)

NOTICE OF HEARING

TAKE NOTICE that a Hearing Panel constituted pursuant to the Electric Power Sector Reform Act 2005 (“**EPSR Act**”), will be moved on the **12th and 13th day of March 2008** at the hour of 11 O’ clock in the forenoon or so soon thereafter at the **PROTEA HOTEL, OAKWOOD PARK**, Lekki Expressway, Lekki Peninsula, Lekki, Lagos, as parties or their respective Counsel on their behalf, and interested parties may be heard in the complaint of illegal supply of electric power and excess charges billed the Complainant by the 1st Respondent.

SUMMARY OF FACTS:

The firm of Aelx Solicitors brought a Petition on behalf of their Client, Mrs. Funke Adekoya challenging the legality of the power supply arrangement at the Victoria Garden City Estate (**VGC Estate**) by the VGC Management & Maintenance Company Ltd (“**the VGC Management**”), and the Eko Electricity Distribution Company Ltd (“**EEDC**”).

The power supply arrangement for the VGC Estate entails the installation, by **EEDC**, of a bulk meter to supply the estate from the 33 KV line and a single bill issued to **the VGC Management** for the power consumed by the residents of the estate.

The Petitioner avers that the arrangement amounts to a sale of power by the **VGC Management**, and since the **VGC Management** does not have a license to trade in power, the said act was in contravention of Section 62 of the **EPSR Act**. In addition, the Petitioner avers that the tariffs collected in excess of the approved PHCN tariff should be refunded to her.

ISSUES FOR DETERMINATION:

Issues for determination at the Hearing include:

1. Whether the arrangement whereby the 1st respondent supplies power to the Residents above the approved tariff amounts to “trading” under the **EPSR Act** and therefore requires a license from the Nigeria Electricity Regulatory Commission (“**NERC**”).
2. The duties and obligations of parties under such power supply arrangement.
3. The duties and obligations of residents and beneficiaries of such arrangement.
4. Whether **the VGC Management**, can unilaterally impose electricity tariff over and above approved electricity tariff rates.
5. Whether under the terms and conditions of the license issued to the **EEDC** by **NERC**, **the VGC Management** can be made responsible for the maintenance of the distribution Network in the VGC estate.
6. Whether or not **the VGC Management** can install meters and vend cards for electricity purchase.
7. Whether **EEDC** can charge a tariff other than an approved tariff.

Members of the public who wish to make comments or contributions with respect to the issues to be determined at the Hearing are advised to visit the Commission's website at www.nercng.org for more details.

Such comments should be sent to the Commission's internet mailbox, comments@nercng.org or written copies should be forwarded to the Commission at the address below within seven (7) days from the date of this publication.

**Secretary to the Commission
Nigerian Electricity Regulatory Commission
Plot 1099, First Avenue
Central Business Area
Abuja.**

Signed

Secretary to the Commission