



# **NIGERIAN ELECTRICITY REGULATORY COMMISSION**

## **DRAFT ELECTRICITY INDUSTRY (ENFORCEMENT) REGULATIONS 2013**

REGULATIONS NO.

**ELECTRIC POWER SECTOR REFORM ACT  
(2005 Act No. 6)**

**In exercise of the powers conferred upon it by section 96 of the Electric Power Sector Reform Act (2005) and of all other powers enabling it in that behalf, the Nigerian Electricity Regulatory Commission hereby makes the following Regulations: -**

**ARRANGEMENT OF CLAUSES**

**PART I – GENERAL PROVISIONS**

1. Citation and Commencement
2. Definitions and Interpretations
3. Application of the Regulations
4. Objectives and Principles of the Regulations

**PART II – ENFORCEMENT PROCESS**

5. Initiation of Enforcement Process
6. Conduct of Investigation
7. Decisions of the Commission
8. Enforcement of Licence Conditions
9. Enforcement of the Market Rules
10. Enforcement of Licensing and Permit Requirements
11. Manifest and Flagrant Breaches
12. Interim Orders
13. Directions for Compliance
14. Compliance with Decisions and Orders of the Commission
15. Review of the Commission's Decisions

**Part III – ADMINISTRATIVE SANCTIONS**

16. Administrative Fines
17. Suspension of Licences
18. Changes in Boards and Management of Licensees
19. Cancellation of Licences

**Part IV – MISCELLANEOUS PROVISIONS**

20. Assistance by Law Enforcement Agencies
21. Sealing off Premises and Seizure of Equipment
22. Information gathering
23. Obstruction and Impersonation of Monitoring and Enforcement Operatives
24. Amendment and Repeal

**PART I**  
**GENERAL PROVISIONS**

**1. Citation and Commencement**

- (1) These Regulations may be cited as the Electricity Industry (Enforcement) Regulations 2013.
- (2) These Regulations shall come into force on the date on which they are approved by a Resolution of the Commission and signed by the Chairman of the Commission, who shall cause the seal of the Commission to be affixed thereon.

**2. Definitions and Interpretations**

- (1) In these Regulations, unless the context otherwise require -

**“Act”** means Electric Power Sector Reform Act 2005;

**“Breach”** means any non-compliance with the provisions of the Act or any other Regulatory instrument.

**“Business Rules”** means the Nigerian Electricity Regulatory Commission (Business Rules of the Commission) Regulations, 2006;

**“Codes”** mean the Grid Code, Distribution Code, Metering Code and any other Code made by the Commission, and as amended from time to time;

**“Commission”** means the Nigerian Electricity Regulatory Commission established under the Act;

**“Gazetted Notices”** means any notice issued by the Commission in an official gazette for regulating the Nigerian Electricity Industry, including such notices issued by the Commission pursuant to section 76(6), (8) and (9) of the Act;

**“Licence Terms and Conditions”** means the terms and conditions to which licences issued by the Commission under the Act are subject, including terms and conditions prescribing the use of a tariff methodology authorized and approved by the Commission under section 76 of the Act;

**“Licensee”** means any person who holds a licence under Part IV of the Act;

**“Regulations”** include any regulation made pursuant to section 96 of the Act and all other subsidiary legislations applicable to the Nigerian Electricity Industry;

**“Regulatory Instruments”** means any regulations, guidelines, market rules, standards, codes, manuals, licence terms and conditions, terms and conditions of permits, gazetted notices or any other instrument issued for the purpose of regulation of the Nigerian Electricity Industry;

(2) Any term that is defined in the Act or any Regulatory Instrument and used in these Regulations, but not herein defined, has the same meaning as in the Act, or in such Regulatory Instrument.

### 3. **Application of the Regulations**

These Regulations shall apply to all persons subject to the Act and accordingly, the processes and procedure for the exercise of the enforcement and monitoring powers of the Commission, unless otherwise specified, shall be as herein provided.

### 4. **Objectives and Principles of the Regulations**

(1) These Regulations are made to ensure the attainment of the principal objects of the Commission in section 32 of the Act, and specifically, to enforce, maintain and ensure the adherence by licensees and other participants in the electricity market to the provisions by the Act and other Regulatory instruments, for the purpose of achieving the following objectives –

- (a) The creation, promotion and preservation of an efficient electricity industry and market and the fostering of a culture of regulatory compliance;
- (b) The facilitation of the swift investigation and resolution of incidences of regulatory non-compliance and the fair and transparent determination of rights and obligations;
- (c) The maintenance of a predictable, stable and effective system for the assessment of compliance in the Nigerian electricity industry and the proper allocation of responsibility;
- (d) The establishment of a system for the deterrence, penalisation and application of sanction to acts or omissions which constitute non-compliance with regulatory framework established by the Act and Regulatory instruments made pursuant thereto.

(2) In exercising its enforcement powers under the Act, the Commission shall be guided by the following principles –

- (a) Fair hearing, and non-discrimination;
- (b) Accountability and transparency;
- (c) Proportionality of the exercise of enforcement powers with breaches;
- (d) Efficiency of the Commission’s enforcement regime for the purpose of ensuring compliance with the Act and all Regulatory instruments;
- (e) The need to ensure an efficient electricity market;
- (f) The need to ensure the provision of stable, qualitative and reliable electricity services in all parts of Nigeria;

- (g) The need to intervene where there is a specific statutory duty on the Commission to work towards a public policy goal which markets alone cannot achieve;
- (h) Such other principles and considerations as the Commission may from time to time deem necessary, to meet the principal objects of the Act and the national interest of Nigeria.

## **PART II**

### **ENFORCEMENT PROCESS**

#### **5. Initiation of Enforcement Process**

- (1) Pursuant to section 32(2) of the Act, the Commission shall exercise its enforcement powers-
  - (a) on its own initiative, where the Commission has grounds to believe that a breach of the Act or any Regulatory instrument was, is being, or will be committed; or
  - (b) in response to a complaint in writing made by any person that has grounds to believe that a breach of the Act or any Regulatory instrument was, is being, or will be committed, in such form or manner specified in Form EF1 in the Schedule to these Regulations.
- (2) The Commission shall, using Form EF2 in the Schedule to these Regulations, acknowledge the receipt of any complaint made by any person pursuant to paragraph 1(b) of this Regulation.

#### **6. Conduct of Investigation**

- (1) The Commission may authorise any of its officials or appoint an inspector pursuant to section 95 of the Act to conduct an investigation on any matter referred to it pursuant to regulation 5 of these Regulations.
- (2) Where a complaint has been made to the Commission under regulation 5(1)(b) of these Regulations, the Commission shall consider the complaint for the purpose of determining whether the complaint should be investigated.
- (3) Where the Commission decides not to authorise an investigation into a matter to which a complaint relates, it shall not later than 90 days from the date of receipt of the complaint and in such manner as it thinks fit, inform the complainant and the person against whom the complaint is made, of the decision and the reasons for the decision.
- (4) The Commission may before authorising an investigation of any matter referred to it pursuant to regulation 5 of these Regulations, inform the respondent that the matter is to be investigated.

- (5) For the purpose of carrying out an investigation, the Commission may appoint any professional or technical expert as the Commission may determine to advise and assist in that investigation.
- (6) Any person authorised by the Commission to conduct an investigation shall have power to obtain information from such persons as it thinks fit.
- (7) At the conclusion of any investigation authorised by the Commission, a report of the investigation shall be submitted to the Commission, which shall cover—
  - (a) the conduct of the investigation concerned ;
  - (b) any findings made as a result of the investigation ;
  - (c) the evidence and other material on which those findings were based ; and
  - (d) such other matters relating to, or arising out of, the investigation as the Commission thinks fit.

7. **Decisions and Orders of the Commission**

- (1) Upon its receipt of the investigation report submitted to it pursuant to regulation 6(7) of these Regulations, the Commission shall issue a notice in writing to the complainant and respondent accompanied by the report of the investigation, inviting the complainant and respondent to make written submissions in respect of the matter investigated within a period of not less than 21 days following the service of the notice.
- (2) The Commission shall consider the submissions made by the complainant and the respondent under paragraph (1) of this regulation before making its decision.
- (3) The Commission may, at its discretion, hold a hearing in accordance with section 47 of the Act, on any matter investigated before making its decision.
- (4) Where the Commission decides to hold a hearing pursuant to paragraph (3) of this regulation, the initiation and conduct of the proceedings shall be in accordance with the Business Rules of the Commission.
- (5) The Decisions and Orders of the Commission shall be in accordance with section 46 of the Act and clause 21 of the Business Rules.
- (6) Where the Commission determines that a licensee has committed a breach, the Commission may impose the administrative sanctions in Part III of these Regulations, and other sanctions in the Act and other Regulatory instruments.
- (7) In addition to any administrative sanction under the Act, or any other Regulatory instrument, the Commission may make orders for compensation in favour of any person who may have suffered any loss as a result of the breach.

(8) The Commission may make an order regarding the reasonable costs of any investigation or proceedings.

8. **Enforcement of Licence Conditions**

Where any matter referred to it pursuant to regulation 5 of these Regulations relates to the contravention of the conditions of a licence of any licensee, the procedure for enforcement shall be in accordance with section 75 of the Act.

9. **Enforcement of the Market Rules**

(1) Where any matter referred to it pursuant to regulation 5 of these Regulations relates to the Market Rules, the Commission shall refer such matters to the Market Surveillance Panel established under the Market Rules, for investigation in accordance with the Market Rules.

(2) The Commission shall consider the report of the investigation submitted by the Market Surveillance Panel pursuant to the Market Rules, along with the response made by the Market Participant investigated, in making its findings or decision.

10. **Enforcement of Licensing and Permit Requirements**

(1) Where any matter referred to it pursuant regulation 5 of these Regulations relates to the contravention of section 62 of the Act, or any Regulatory instrument requiring the issuance of a licence or permit by the Commission for any business or activity, the Commission may determine whether a person is engaging or about to engage in a business or activity for which a licence or permit is required, in accordance with regulation 6 of these Regulations.

(2) The Commission may make such orders as may be necessary to prevent the continuation or reoccurrence of the contravention of the Act or such other Regulatory instrument.

11. **Manifest and Flagrant Breaches**

(1) Notwithstanding anything to the contrary in these Regulations, where the Commission considers that a state of affairs for which a licensee is responsible manifestly constitutes a breach by the very existence of that state of affairs, the Commission shall, without recourse to regulations 6 and 7(1), (2), (3) and (4) of these Regulations, issue a notice to the licensee to show cause in writing, within a period of not less than three working days, why any administrative sanction should not be imposed for such breach.

(2) Where a licensee fails to respond to the notice issued pursuant to paragraph (1) of this regulation, or where the response of a licensee is unsatisfactory, the Commission may proceed to impose administrative sanctions as it deems fit in the circumstance.

12. **Interim Orders**

Where the Commission considers that action is urgently required in respect of matters subject to the exercise of its enforcement powers under these Regulations, the Commission may make such interim orders as it may deem necessary, pending the conclusion of the enforcement process.

**13. Directions for Compliance**

- (1) The Commission may, where it deems fit, issue directions requiring a licensee or any person to take specified actions for the purpose of ensuring that such licensee or person complies with, or does not contravene, or continue to contravene the provisions of the Act or any Regulatory instrument.
- (2) Non-compliance with directions issued by the Commission pursuant to paragraph (1) of this regulation shall constitute a breach for which the Commission may impose administrative sanctions without recourse to regulations 6 and 7(1), (2), (3) and (4) of these Regulations.

**14. Compliance with Decisions and Orders of the Commission**

- (1) Subject to the provisions of the Act, every person who fails to comply with any decision or order of the Commission shall be liable to payment of an administrative fine or such other sanction as the Commission may determine.
- (2) The Commission may, without recourse to regulations 6 and 7(1), (2), (3) and (4) of these Regulations, impose administrative sanctions for failure by any person to comply with decisions of bodies vested with powers pursuant to any Regulatory instrument to make decisions.
- (3) No licensee shall be liable to any other licensee in relation to the taking of any action, or any omission, that is reasonably necessary for compliance with a decision or order made by the Commission under these Regulations.
- (4) The Commission may in exercise of its enforcement powers, institute civil proceedings in Court against any person for the purpose of enforcing compliance with its decision, orders and direction, including recovery of administrative fines.
- (5) Any unpaid sum, due to be paid by a licensee, under these Regulations shall constitute a debt due to the Commission and shall bear interest at the prevailing prime lending rate until it is fully discharged.
- (6) Notwithstanding the foregoing provisions, and subject to the provisions of the Act, every licensee that fails to comply with a decision, order or direction of any nature, given by the Commission, commits an offence punishable under section 94 of the Act.

**15. Review of the Commission's Decisions**

- (1) The Commission may review its decisions made under this regulation, subject to section 50 of the Act, and in accordance with clause 22 of the Business Rules of the Commission.
- (2) Where the Act or other Regulatory instruments prescribe particular practices and procedures in relation to review of the Commission's decision on any particular subject matter, the Commission shall apply those practices and procedures when dealing with the review.

### **PART III** **ADMINISTRATIVE SANCTIONS**

#### **16. Administrative Fines**

- (1) Without prejudice to any provision of the Act, or other Regulatory instruments, the Commission may impose administrative fines for any breach, including but not limited to instances where specific enforcement sanctions have not been provided for in the Act, or any other regulatory instruments.
- (2) Without prejudice to the generality of the provisions of paragraph (1) of this regulation, the Commission may impose administrative fines not exceeding N10,000.00 (Ten Thousand Naira) per minute, for each breach.
- (3) In imposing administrative fines, the Commission may be generally guided by the following factors:
  - (a) the severity of the breach and the need to impose such fine or the amount thereof so as to act as deterrent both to the licensee who committed such breach and other licensees;
  - (b) non-discrimination and transparency in the imposition of sanctions generally, including but not limited to sanctions on different licensees for similar breaches committed in identical circumstances;
  - (c) admission of the breach by the licensee being investigated;
  - (d) the prevalence of the breach in the Nigerian Electricity Supply Industry generally and the likelihood of repetition by the licensee who committed the breach or other licensee;
  - (e) the duration of the breach;
  - (f) the circumstances of the breach and in particular, but not limited to, a consideration of whether or not the breach was deliberately, recklessly or negligently committed by the licensee;

- (g) the record of previous or similar breaches by the licensee;
  - (h) the danger to life and property consequent upon the breach;
  - (i) the effect of the breach on relevant service provision generally;
  - (j) any gain (financial or otherwise) made by the licensee who committed the breach directly or indirectly arising from such breach;
  - (k) the degree of harm, injury, discomfort or the incremental cost caused or occasioned by such breach to consumers or other stakeholders in the Nigerian Electricity Supply Industry;
  - (l) the extent to which any breach by the licensee was caused by a third party or any circumstances beyond its control;
  - (m) the absence, ineffectiveness or repeated failure of internal mechanisms or procedures required to prevent the breach by the licensee;
  - (n) the possible mitigating circumstances including but not limited to—
    - (i) whether or not the breach was of a minor nature and the consequences and effect thereof were equally minor in nature;
    - (ii) whether or not the licensee who committed the breach took immediate steps to remedy the breach soon after having knowledge of the breach;
  - (o) such other factors as the Commission may, from time to time, determine.
- (4) Any administrative fine imposed by the Commission pursuant to the Act or any other Regulatory instrument shall become due and payable by the licensee within 14 days from the date of the decision, or 14 days from the date of service of the notice of decision, where the licensee was not present at the time of the decision.
- (5) The payment of an administrative fine by a licensee who committed the breach shall not be construed as a limitation or foreclosure of the power of the Commission to impose any other enforcement sanction under the Act or any other Regulatory instrument.
- (6) In imposing administrative fines, the Commission may, at its discretion, limit the fine to only a specific number of breaches and not the entire number of breaches for which the licensee is liable.

- (7) It shall be an offence where a fine imposed remains unpaid after the duration contained in paragraph (4) of this regulation, and every officer responsible for the initial breach which led to the imposition of the fine, and all officers who have responsibility for exercising authority to pay the fine shall be liable to a term of imprisonment for 3 (Three) months upon conviction.

**17. Suspension of Licences**

- (1) Without prejudice to any provision of the Act or any other Regulatory instrument, the Commission may suspend any licence if, in its opinion:
- (a) the licence was issued as a result of fraud, or the misrepresentation or non-disclosure of a material fact by the licensee; or
  - (b) the licensee has been found pursuant to these Regulations to have breached any provision of the Act or any other Regulatory instruments applicable to the licensee; or
  - (c) the licensee has been found pursuant to these Regulations to have breached any term or condition of its licence, the breach of which is expressly declared by the licence terms and conditions to render it liable to suspension or cancellation; or
  - (d) the financial position of the licensee is such that he is unable to fully and efficiently discharge the duties and obligations imposed by the licence.
- (2) Prior to the suspension of a licence under paragraph (1) of this regulation, the Commission shall notify the licensee in writing of its intention to suspend the licence concerned, and the reasons for doing so, and shall allow the licensee an opportunity to demonstrate, within 30 days or such longer period as the Commission may allow following the delivery of such a notification, that circumstances have changed, such that suspension may no longer be warranted.
- (3) If, at the expiration of the period mentioned under paragraph (2) of this regulation, the Commission is satisfied for any reason specified in paragraph (1) of this regulation that it is in the public interest that the licence concerned should be suspended, the Commission may, by notice in writing to the licensee suspend the licence.
- (4) Where the suspension of a licence has taken effect, the Commission shall within 30 days cause the suspension to be published in at least two national daily newspapers, and on the Commission's website.

Provided that any delay or failure to publish the notice of suspension shall not in any manner affect the validity of the suspension.

- (5) In addition to the suspension of the licence, the Commission may impose any administrative fine or other applicable enforcement provisions contained in the Act or any other Regulatory instrument.
- (6) The Commission shall determine the duration of the suspension and any additional administrative sanctions that the Commission may impose.
- (7) In determining the duration of the suspension and any additional administrative sanctions to be imposed, the Commission shall take into consideration amongst other factors the gravity of the breach that necessitated the suspension, the impact of the suspension on consumers and any other mitigating circumstances or conduct thereof.
- (8) Where the suspension of a licence has taken effect, the Commission may make orders or arrangements in regard to the undertaking of the licensee as are in the opinion of the Commission necessary for maintaining continuity in the provision of electricity service.

**18. Changes in Boards and Management of Licensees**

- (1) Without prejudice to the provisions of the Act, the Commission may by a written notice require that the licensee makes such changes in its Board of Directors or Management as the Commission may consider necessary, including removal of members of the Board of Directors or management staff of the licensee, and within such time as the Commission may specify.
- (2) Within 10 working days of the notification by the Commission to the licensee to make changes in its Board of Directors or Management, the licensee shall notify the Commission in writing of its compliance with the direction of the Commission in the manner prescribed by the Commission.
- (3) Failure of any licensee to comply with the direction of the Commission pursuant to paragraph (1) of this regulation shall constitute a breach for which administrative sanctions may be imposed without recourse to regulations 6 and 7(1), (2), (3) and (4) of these Regulations.
- (4) Notwithstanding the provisions of paragraph (1) of this regulation, the Commission shall require the removal of any member of the Board of Directors or management staff of the licensee who does not or ceases to meet the minimum qualifications for such positions prescribed in the Commission's Guidelines and Assessment Criteria For Fit and Proper Persons For Corporate and Individual Participation in Regulated Electricity Undertakings.

**19. Cancellation of Licences**

- (1) The Commission may cancel any licence on the grounds and in the manner specified in section 74 of the Act.

- (2) The procedure for investigation in regulation 6 of these Regulations shall satisfy the requirement of an inquiry for the purpose of cancellation of a licence under section 74(2) of the Act or other Regulations.
- (3) Where the cancellation of a licence has taken effect, the Commission shall within 30 days of the cancellation, cause the cancellation to be published in at least two national daily newspapers, and on the Commission's website.

Provided that any delay or failure to publish the notice of cancellation shall not in any manner affect the validity of the cancellation.

- (4) Nothing in paragraph (1) of this regulation shall, where the Commission determines that a licence shall be cancelled, preclude the Commission from imposing, in addition to a cancellation of the licence, any administrative fine or other applicable enforcement provisions contained in the Act or any other Regulatory instrument.
- (5) Any licence fees which have been paid in respect of a licence cancelled pursuant to the Act or these Regulations shall not be refunded whether in part or in whole consequent upon cancellation.
- (6) The original copy of any licence that is cancelled pursuant to the Act or these Regulations shall be returned to the Commission by the licensee within 14 days of the effective date of the cancellation.

#### **PART IV** **MISCELLANEOUS PROVISIONS**

##### **20. Assistance by Law Enforcement Agencies**

The Commission or any authorised person acting on its behalf may seek the assistance of any law enforcement agency to enforce compliance with any decision, order or direction of the Commission.

##### **21. Sealing off Premises and Seizure of Equipment**

- (1) In exercise of its monitoring and enforcement powers, the Commission or any authorised person acting on its behalf may—
  - (a) demand the testing, operation or use howsoever of any station, apparatus, other equipment or facility by the person in whose custody the station, apparatus, other equipment or facility is ; and
  - (b) subject to paragraphs (2) and (3) of this regulation, seal off or seize and detain in the custody of the Commission for such period and on such terms

as the Commission may consider expedient or necessary to carry out and conclude the relevant monitoring and enforcement procedure—

- (i) any such station, apparatus, other equipment or facility,
  - (ii) any building or premises, or
  - (iii) any book, record, document or other information storage system.
- (c) Where the seizure of any item specified in paragraph (1) (b) of this regulation is capable of causing a disruption in the supply of electricity services, the Commission may make such orders as it may deem necessary for maintaining continuity in the supply of electricity service.
- (2) The Commission or any authorised person acting on its behalf may seize and detain or seal off, as the case may be, any of the items mentioned in paragraph (1) of this regulation in the following circumstances, that is—
- (a) where such item mentioned in paragraph (1) (b) of this regulation or the use thereof constitutes part of an unlawful or unauthorised operation or use;
  - (b) where such item mentioned in paragraph (1)(b) of this regulation is relevant and required for an investigation or other enforcement measure pursuant to these Regulations or the prosecution in court of a person under the Act or any Regulatory instrument;
  - (c) such other circumstances that are expressly provided for under the Act or any other Regulatory instruments.
- (3) In seizing and detaining or sealing off any of the items specified in paragraph (1) (b) of this regulation, the Commission or any authorised person acting on its behalf shall:
- (a) obtain a warrant from a Magistrate or a Judge of a court of competent jurisdiction;
  - (b) provide to the owner or his agent, a written inventory of the seized equipment, facility, book, record, document or other information storage system provided that no inventory shall be necessary where the item is sealed off and remains in the custody of the owner or agent.

## 22. **Information gathering**

- (1) The Commission or any authorized person acting on its behalf may by a written notice direct a licensee to produce information in accordance with paragraph (2) of this regulation, where Commission or any authorized person acting on its behalf has reason to believe that a licensee:

- (a) has any information including but not limited to accounts and records or any document that is relevant to the exercise of the powers and functions of the Commission or any authorized person acting on its behalf under the Act or these Regulations ; or
  - (b) is capable of giving any evidence which the Commission or any authorized person acting on its behalf has reason to believe is relevant to the exercise of the powers and functions of the Commission or any authorized person acting on its behalf under the Act or these Regulations.
- (2) The Commission or any authorized person acting on its behalf may, by a written notice, direct the licensee to:
- (a) give the Commission or any authorized person acting on its behalf within the period and in the manner and form specified in the notice, any such information whether in physical form or in electronic medium ; or
  - (b) Produce copies of any such documents to the Commission or any authorized person acting on its behalf within the period and in the manner specified in the notice.
- (3) The licensee required to provide information under this regulation shall ensure that such information is true, accurate and complete and the licensee shall provide a representation to that effect, including a representation that he is not aware of any other information which would make the information provided untrue or misleading.
23. **Obstruction and impersonation of monitoring and enforcement operatives**
- (1) Any person who assaults, obstructs, resists or aids any other person to assault, obstruct or resist any authorised person acting on behalf of the Commission in the exercise of its monitoring and enforcement powers under the Act or these Regulations, commits an offence punishable under section 94 of the Act.
  - (2) Any person who impersonates any authorised person acting on behalf of the Commission commits an offence punishable under section 94 of the Act.
24. **Amendment and Repeal**  
The Commission may amend or repeal the provisions of these Regulations.

**THE COMMON SEAL OF  
NIGERIAN ELECTRICITY REGULATORY COMMISSION**  
WAS AFFIXED PURSUANT TO THE **ORDER OF THE COMMISSION**  
ON , 2013.

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**DR. SAM AMADI  
CHAIRMAN/CEO.**

**DRAFT**

**SCHEDULE**

*Regulation 5(1)(b)*

**FORM EF1**

**NIGERIAN ELECTRICITY REGULATORY COMMISSION  
ELECTRICITY INDUSTRY (ENFORCEMENT) REGULATIONS 2013**

**COMPLAINT FORM**

*1. Particulars of Person making complaint*

Names:

Address:

Occupation:

Telephone Number:

Mobile Telephone Number:

E-mail Address:

Any other relevant detail or information of complainant:

*2. Particulars of Person against whom complaint is made*

Names:

Head office or relevant operational address:

Service(s) provided and which is basis for complaint:

Contact person for purposes of investigation complaint:

Telephone Numbers:

Mobile Telephone Number:

E-mail Address:

Any other relevant detail or information:

*3. Full details of complaint based only on personal knowledge of the complainant. Also indicate circumstances of the personal knowledge. (Additional sheets may be used for details).*

4. *List of supporting documents and materials in proof of complaint*

*Attestation of complainant* : I, \_\_\_\_\_, do hereby state that all the facts that are contained in this complaint form are true and within my personal knowledge and that if required, I am ready, willing and able to make written representations, provide evidence or orally testify regarding this complaint at any time, in any place and in any circumstance, before any person or body including but not limited to the Commission or any of its constituted organs or any judicial body or person and I further state that I am willing, ready and able to make such testimony before and in the presence of the person against whom this complaint is made or his representative whomsoever.

.....  
*Date Signature of Complainant*

DRAFT

**FORM EF2**

*Print on Commission's letterhead and Address to Complainant*

**ACKNOWLEDGEMENT OF COMPLAINT PURSUANT TO NIGERIAN  
ELECTICITY REGULATORY COMMISSION ELECTRICITY INDUSTRY  
(ENFORCEMENT) REGULATIONS 2013**

THIS IS TO ACKNOWLEDGE receipt of your complaint dated this  
.....day of.....20... in respect of (*insert name and  
particulars of person against whom the complaint was made*). Be assured that the Commission  
shall, on the basis of your complaint, carry out its monitoring and enforcement  
processes and procedures in accordance with its mandate under the Electric Power  
Sector Reform Act (2005) and the Electricity Industry (Enforcement) Regulations  
2005.

DATED this.....day of .....20.....

*Signed*.....

*Name*.....

*Position*.....

*For and on behalf of the Commission*

## SECOND SCHEDULE

### SPECIFIC ADMINISTRATIVE FINES GUIDE

1. Violation by licensee of Regulation 22 of these Regulations or Clause 25 of the Business Rules or Failure to provide information required by the Commission or providing such information which the person knows or has reason to believe is false or misleading.	Not more than N8,000 per minute of every hour of the entire day the violation occurred.
2. Violation by licensee of Regulation 23 of these Regulations or obstructing or preventing the exercise of the powers.	Not more than N8,000 per minute of every hour of the entire day the violation occurred.
3. Violation of the limits prescribed in the Multi-Year-Tariff-Order or any violation of Section 76 of the Act.	Not more than N10,000 per minute of every hour of the entire day the violation occurred for each individual breach and N5,000 per minute of every hour of every day the violation continues and forfeiture to the Commission of the entire margin above the approved range specified in the Multif-Year-Tariff-Order and calculated on the basis of consumers connected to or purchasing from the licensee.
4. Failure to file with the Commission as at when due any required returns, forms or information pursuant to the Act or any Statutory Instrument.	Not more than N4,500 per minute of every hour of the entire day the violation occurred and no more than N1,000 per minute of every hour of every day the failure continues.
5. Contravention of Sections 62, 63, 64, 65, 66 and 67 of the Act by a	Not more than N10,000 per minute of

licensee.	every hour of the entire day the violation occurred and no more than N9,900 per minute of every hour of every day the contravention continues for each individual breach.
6. Contravention of Section 68 of the Act.	Not more than N9,000 per minute of every hour of the entire day the contravention occurred and of every hour of every day the contravention continues for each individual breach.
7. Failure to meet minimum standard of quality of service specified by the Commission or as prescribed in any statutory instrument or failure to provide level of service mandated under any licence.	\ Not more than N9,500 per minute of every hour of the entire day the violation occurred and no more than N8,000 per minute of every hour of every day the contravention continues for each individual breach.
8. Failure to maintain required records, data, forms or information pursuant to the Act or any statutory instrument	Not more than N4,500 per minute of every hour of the entire day the violation occurred and no more than N1,000 per minute of every hour of every day the failure continues.
9. Violation of the Commission's Health and Safety Code and any health and safety procedures established by the Commission.	Not more than N9,500 per minute of every hour of the entire day the violation occurred and no more than N6,000 per minute of every hour of every day the failure continues.