



# NIGERIAN ELECTRICITY REGULATORY COMMISSION

NERC/PN/004

## PUBLIC NOTICE

### NOTICE OF PROPOSED REGULATIONS ON CUSTOMER COMPLAINTS HANDLING: STANDARDS AND PROCEDURES

In exercise of the powers conferred under Section 80 of the Electric Power Sector Reform Act, the Nigerian Electricity Regulatory Commission has drafted the following proposed Regulations on Customer Complaints Handling: Standards and Procedures 2006.

Accordingly, comments are hereby invited from all stakeholders and members of the public on the draft Regulation.

Notice is hereby given that persons who wish to make comments should send their written comments not later than Monday 25<sup>th</sup> of August 2006 to:

The Chairman/CEO  
Nigerian Electricity Regulatory Commission (NERC)  
Adamawa Plaza, Central Business District Zone  
Abuja - Nigeria

Or

By e-mail: [info@nercnigeria.org](mailto:info@nercnigeria.org)

**BY ORDER OF THE COMMISSION**

### CUSTOMER COMPLAINTS HANDLING: STANDARD AND PROCEDURES

In exercise of the powers conferred by section 80 of the Electric Power Sector Reform Act, 2005, and all other powers enabling in this behalf, the Nigerian Electricity Regulatory Commission (NERC) hereby makes the following Regulations, namely:-

#### 1. Short title and commencement

- (1) These Regulations may be called the Nigerian Electricity Regulatory Commission (NERC) **Customer Complaints Handling: Standards and Procedures 2006.**

- (2) These Regulations shall be applicable to all distribution licensees in Nigeria and shall come into force on the date of the order of the Commission following, publication in the Nigerian press.

2. **Definitions** - In these Regulations, unless the context otherwise requires, -

- (1) **"Act"** means the Electric Power Sector Reform (EPSR) Act, 2005;
- (2) **"Appointed Date"** means....**Day of ...2006;**
- (3) **"Area of Supply"** means the area within which a distribution licensee is authorised by its licence to supply electricity;
- (4) **"Chairperson"** means the Chairperson of the Forum.
- (5) **"Commission"** means the Nigerian Electricity Regulatory Commission (NERC);
- (6) **"Complainant"** means-
  - (i) a customer; or
  - (ii) any voluntary customer association registered under any law for the time being in force; or
  - (iii) the Federal Government of Nigeria or a State or Local Government;
  - (iv) one or more customers, where there are numerous customers having the same Interest;
  - (v) In case of the death of a customer, his legal heirs or representatives making or continuing a complaint; Provided, however, that a complainant shall have suffered or is continuing to suffer an injury as stated in (7) herein;
- (7) **"Complaint"** means allegation in writing made by a complainant, which may include the following: -

- (i) there exists a defect or deficiency in the electricity service provided by the distribution licensee;
- (ii) an unfair trade practice or a restrictive trade practice adopted by the distribution licensee in providing electricity services;
- (iii) the distribution licensee has for the electricity services mentioned in the complaint, charged a price in excess of the price fixed by the Commission, for supply of electricity and allied services;
- (iv) the electricity service provided by the distribution licensee may be unsafe or hazardous;
- (v) recovery of expenses Inc in excess of charges approved by the Commission in providing an electric line or electric plant.
- (vi) any other act that affects the fulfillment of the contractual relation between the customer and the distribution licensee; or is in contravention of the provisions of any Order of the Commission or law for the time being in force;
- (8) **“Complaints Officer means** of the Customer Complaints Unit of the distribution licensee responsible for handling customer complaints Customer Complaints Unit;
- (9) **“Customer”** means any supplied with electricity for his own use by a distribution licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time and includes any person whose premises are for the time being connected for the purpose of receiving Electricity with the works of a distribution licensee, the Government or such other person, as the case may be;
- (10) **“Customer Complaints** the dispute resolution body set up by the distribution licensee under these Regulations;
- (11) **“Customer Dispute”** means a dispute where the person against whom a complaint has been made, disputes the allegations contained in the complaint and a complaint remains unsettled;
- (12) **“Defect”** means any fault, or shortcoming in the quality, quantity, standard of service, equipment or material which is require by or under any law or Regulation for the time being in force or under any contract, express or as is claimed by the customer in any manner whatsoever in relation to electricity service;

- "Deficiency"** means any , imperfection, shortcoming or inadequacy in the quality, nature and manner of service which is required to be maintained by or under any law for the time being in force or has been undertaken to be performed by a distribution licensee in pursuance of a contract agreement or otherwise in relation to electricity service or performance standard; viz, interruption/failure of power supply, voltage complaints, metering problems including meter shifting, charges/ payments (billing problems), disconnection/ reconnection of power supply to the customer, new connections/extensions in load, notice of supply interruptions, making and keeping regular/special appointments, violations of electricity supply code, contraventions of the EPSR Act, rules or Regulations made thereunder with regard to customer interest;
- (14) **"Distribution Licensee"** means a licensee authorised to operate and maintain a distribution system for supplying electricity to the customers in his area of supply; and in these Regulations also referred to as Distribution Company;
- (15) **"Electricity Service"** means supply, billing, metering and maintenance of electrical energy to the customer and all other services;
- (16) **“Form”** means the forms appended to these Regulations;
- (17) **"Forum"** means the ‘**FORUM for Customer Complaints**’ to be established by each distribution licensee under these Regulations;
- (18) **"Member"** means a member of the Forum and includes the Chairperson of the Forum;
- (19) **"Restrictive Trade Practice"** in respect of electricity supply means a trade practice which tends to impose on the customers unjustified costs or restrictions in service and shall include delay beyond the period agreed to by or prescribed for a distribution licensee in providing electricity services;
- (20) **"Government"** means the Federal, State or Local Government of Nigeria;
- (21) **"Unfair Trade Practice"** means a trade practice which a distribution licensee adopts for the purpose of promoting the sale, use or supply of electricity, or any unfair method or

unfair or deceptive practice of making any statement, whether orally or in writing or by visible representation which falsely represents that the services are of a particular standard and quality made by him;

- (22) Words and expressions used and not defined in these Regulations but defined in the ESPR Act shall have the meanings assigned to them in the Act.

### 3. **Establishment of Customer Complaints Units**

- (1) Every distribution licensee shall establish a Customer Complaints Unit within its premises. The Unit shall have the responsibility of receiving and resolving customer complaints as in Section (2) Sub-section (8) of these Regulations.
- (2) The Customer Complaints Unit shall be headed by a senior officer of the distribution company and designated as Customer Complaints Officer and manned by staff of the distribution company.
- (3) The distribution licensee shall in consultation with the Commission articulate the procedure and structure of the Customer Complaints Unit.
- (4) All complaints must first be lodged in writing with the Customer Complaints Unit of the Distribution Licensee,
- (5) In the case of a non-literate complainant, the complaint shall be made to the Customer Complaints Officer who shall record it and insert a jurat indicating that the complaint has been translated and was understood by such complainant.
- (6) The Customer Complaints Unit shall deal with all complaints expeditiously. The maximum delay allowed, depending on the nature of the complaint, shall be as described in the procedure set up in 3(3) above.
- (7) Any customer dissatisfied with the outcome of the handling of his complaint(s) by the Customer Complaints Unit or encounters delay/failure in the handling of such complaint(s) may refer his complaint(s) to the Forum.

### 4. **Constitution of the Forum and Quorum for its Meetings**

- (1) Every distribution licensee shall, within six months from the appointed date or grant of a licence, whichever is earlier, establish a Customer Complaints Forum for hearing and resolving customer complaints.
- (2) The head office of the Forum shall be located within the area of operation of the distribution licensee.
- (3) The Forum shall consist of the five part-time members, who shall be reputable men and women living and working in the operational area of the distribution Licensee.
- (4) A Forum member shall not be a staff of the Distribution Licensee during his term of office.
- (5) The Membership of the Forum shall be as follows:
- (i) One representative of Industrial Consumers to be nominated by the Manufacturers' Association of Nigeria
  - (ii) One representative of Commercial Consumers to be nominated by the Nigerian Association of Chambers of Commerce, Industry, Mining and Agriculture.
  - (iii) One representative of Household Consumers to be nominated by the Consumer Protection Council.
  - (iv) One representative of the Public Sector to be nominated by the State Government in whose state the Distribution Company has its head office.
  - (v) One nominee of the Distribution Company
- (6) The members of the Forum shall elect the Forum's Chairperson, whose term of office as Chairperson shall coincide with his term of office as a Forum Member, provided that no person shall be re-elected as Chairperson for a second term of office.
- (7) Every Member of the Forum shall hold office for a term of three years and may be eligible for reappointment for a further consecutive term of three years and no more.

- (8) Three Members of the Forum shall form a quorum for a meeting.
- (9) The office of any Member shall not be kept vacant for more than two months.
- (10) The salary or honorarium and other allowances payable to and the other terms and conditions of service of the members shall be determined and paid for by the distribution licensee;  
Provided that the salary, allowances and other terms and conditions of service of the Members shall not be varied to their disadvantage after appointment.
- (11) The office, staff and other facilities required by members of the Forum, for efficient functioning of the Forum shall be provided by the distribution licensee. Out of such staff, one person shall be designated as full time Secretary of the Forum.
- (12) The expenses of the Forum including all salaries, honoraria and allowances payable to Members and staff of the Forum shall be allowed as pass through expenses in the Annual Revenue Requirement of the distribution licensee.

#### 5. **Removal of a Forum Member .**

- (1) No Member shall be removed from office except in accordance with the provisions of these Regulations:
- (2) A Member of the Forum, may by Order of the Commission be removed from office if he-
  - (a) has been adjudged insolvent;
  - (b) has been convicted of an offence which involves moral turpitude;
  - (c) has become physically or mentally incapable of acting as a Member;
  - (d) has acquired such financial or other interest as is likely to affect prejudicially his function as a Member; as a Member
  - (e) has so abused his position as to render his continuance in office prejudicial to the public interest: or
  - (f) has been guilty of proven gross misconduct;

Provided that no Member shall be removed from office on any ground mentioned herein unless the Commission, upon a reference made to it in this behalf by the Forum or the distribution licensee, has on an

inquiry, held that the Member ought on such ground to be removed,

- (3) The Commission may suspend any member of the Forum in respect of whom a reference has been made to the Commission under Section 5, Sub-Section (2) herein until the receipt of the findings of the Commission on such reference

#### 6. **Jurisdiction of the Forum**

- (1) Subject to other provisions of these Regulations, the Forum shall have jurisdiction to entertain customer complaints within the entire operational area of the distribution licensee; Provided however, that the Forum shall not hear complaints on offences as specified in Sections 93 and 94 of the ESPR Act.
- (2) Each distribution licensee may establish more than one Forum so as to ensure that the Forum disposes of every complaint within a period of two months from the date of receipt of a complaint by it.

#### 7. **Duty of the Distribution Licensee to Notify**

- (1) Subject to sub-section (6) of this section every distribution licensee shall notify and bring to the notice of its customers by public notice, the existence and details of the Customer Complaints Unit and the Forum for hearing customers' complaints.
- (2) The distribution licensee shall make available to its customers copies of the procedure for lodging complaints free of charge as and when required by the customers,
- (3) Details such as names of the Forum Members, the Secretary and their addresses, telephone numbers and other details shall be published periodically by the distribution licensee in the media,
- (4) The bills issued by the distribution licensee to its customers for electricity supplied, shall contain the address and telephone numbers of members of the Forum and shall also have printed on such bills the following statement:

"Customers whose complaints are not satisfactorily addressed by the Customer Complaints Unit of the distribution licensee may approach the Forum established for customer complaints"

- (5) The distribution licensee shall obtain a Post Office Box Number to facilitate easy registration of complaints by customers,
- (6) These Regulations shall be put on the website of the distribution licensee and copies made available to the Business Units and undertakings for further distribution to local councils and shall be given wide publicity through electronic/print media.

#### 8. Procedure for filing Complaints

- (1) Every complaint must be filed in writing by the complainant and addressed to the Chairperson of the Forum as in **Form 1** of these Regulations
- (2) A complaint may also be lodged through e-mail to the respective Forum's e-mail address (which shall be published) or may also be forwarded in writing.

#### 9. Manner of Handling Complaints

- (1) On receipt of a complaint, the Secretary shall endorse the complaint and date it ascribing his initials. Each complaint received shall be registered and numbered in a serial manner,
- (2) The Forum shall send an acknowledgement to the complainant within 3 working days of receipt of a complaint.
- (3) Where a Registered Consumer Organisation or a Non-Governmental Organisation (NGO) files a complaint on behalf of a customer or customers, it shall provide the customer's written authority to act on his or her behalf. The customer need not be a member of the consumer organisation or NGO.
- (4) On receipt of a complaint made under sub-section (1) the Forum may hear or reject the complaint.
- (5) A complaint may be rejected as provided for under sub-section (4) if, in the opinion of the Forum, the complaint is frivolous, vexatious or lacks merit.
- (6) Where a complaint is rejected the complainant shall be informed in writing stating reasons why the complaint was rejected after an opportunity to further explain his case is given to the complainant.

- (7) The admissibility of a complaint for hearing shall be decided within ten working days from the date on which the complaint was received.
- (8) Where a complaint is allowed to be heard, the Forum may proceed with the complaint in the manner provided under these Regulations.

#### 11. Procedure for Hearing Complaints By The Forum

##### (1) The Forum shall:

- (a) refer a copy of a complaint to the Complaints Officer of the Customer Complaints Unit of a distribution licensee directing him to present the case within a period of twenty days or such extended period not exceeding ten days as may be granted by the Forum;
  - (b) where the Complaints Officer on receipt of a copy of the complaint, referred to him under sub-section (a) disputes the allegation contained in the complaint, or omits or fails to take any action to present the case within the time given by the Forum, the Forum shall proceed to hear the customer complaint,
    - (i) on the basis of evidence brought to its notice by the complainant and the Complaints Officer of the distribution licensee, where the distribution licensee disputes the allegations contained in the complaint, or
    - (ii) ex-parte on the basis of evidence brought to its notice by the complainant where the Complaints Officer of the distribution licensee fails to take any action to present the case within the time given by the Forum;
  - (c) fix a date for the hearing and shall so inform the complainant and the Complaint Officer;
  - (d) where the complainant fails to appear before the Forum on the date of hearing, the Forum may either dismiss the complaint for default or decide it on merit.
- (2) Every complaint shall be heard as expeditiously as possible but within 2 months and a decision shall be made within a maximum period of two months from the date of receipt of a complaint by the Forum;
  - (3) No adjournment of hearing shall be granted by the Forum unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the Forum;

- (4) The Forum shall make such a decision as to the cost for the adjournment as may be considered appropriate by the Forum;
- (5) In the event of a complaint not being disposed of within the maximum period specified above, the complainant may appeal to the Commission;
- (6) Where during the period when proceedings is pending before the Forum, it appears to it to be necessary, the Forum may make such interim decision as is just and proper given the facts and circumstances of the case subject to the condition that the complaint shall be decided within the maximum time of two months as specified in subsection (2) herein;
- (7) Every proceeding shall be conducted by the Chairperson of the Forum and the Members thereof sitting together:  
Provided that where a Member, for any reason, is unable to be present at the entire proceeding, the Chairperson and the other Members shall conclude such a proceeding bearing in mind the requirement for quorum.

## 12. Decisions of the Forum

- (1) If, after the proceeding conducted under Section 11, the Forum is satisfied that any of the allegations contained in the complaint are proven it shall direct the distribution licensee to do one or more of the following acts, which may include inter-alia: -
  - (a) to return to the complainant the undue charges paid by him;
  - (b) to remove the defects/deficiencies in the services the subject of the complaint;
  - (c) to discontinue the unfair trade practice or restrictive trade practice or not to repeat them;
  - (d) not to offer the hazardous electrical services;
  - (e) to withdraw the hazardous electrical services being offered; and
  - (f) to provide for adequate costs to parties.
- (2) If the Forum is satisfied that the complaint has not been proven, then it shall dismiss the complaint and inform the complainant accordingly in writing and notify the Customer Complaints Unit and the Commission.
- (3) All decisions of the Forum shall be taken by a majority of the Members present and in the

event of equality of votes, the Chairperson shall have the second or casting vote.

- (4) Every decision made by the Forum shall be signed by its Chairperson and the Members conducting the proceeding.
- (5) The proceedings and decisions of the Forum along with the time frame for compliance shall be recorded and communicated to the complainant and distribution licensee for compliance.
- (6) The distribution licensee shall implement the decisions of the Forum within the time frame specified in the directives of the Forum and report its compliance to the Forum within seven days of the implementation of the directive.

## 13. Appeal

- (1) Any person aggrieved by a decision made by the Forum may seek an appeal against such a decision to the Commission within a period of forty days from the date of the decision, in such form and manner as may be directed by the Commission.
- (2) The Commission may entertain an appeal after the expiry of the said period of forty days if it is satisfied that there was sufficient cause for not filing the appeal within that period.
- (3) The Commission shall not entertain an appeal by any party, which is required to pay any amount in terms of a decision of the Forum, unless the appellant has deposited, in the manner as may be laid down by the Commission, in an account maintained by the Forum for this purpose.
- (4) Customers not satisfied with the outcome of this Appeal process should follow procedures as set up by the Commission.

## 14. Savings

Nothing contained in these Regulations shall affect the rights and privileges of the customer under any other law for the time being in force, including under the Customer Protection Council Act No. 66 of 1992.

## 15. Powers to remove difficulties

- (1) If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may by general or special order, direct the distribution licensee to take suitable action, not being inconsistent with the Act, which appears to it to be necessary or expedient for the purpose of removing difficulties.
- (2) The distribution licensee may make an application to the Commission and seek suitable orders to remove any difficulties that may arise in the establishment of the Forum as per these Regulations.

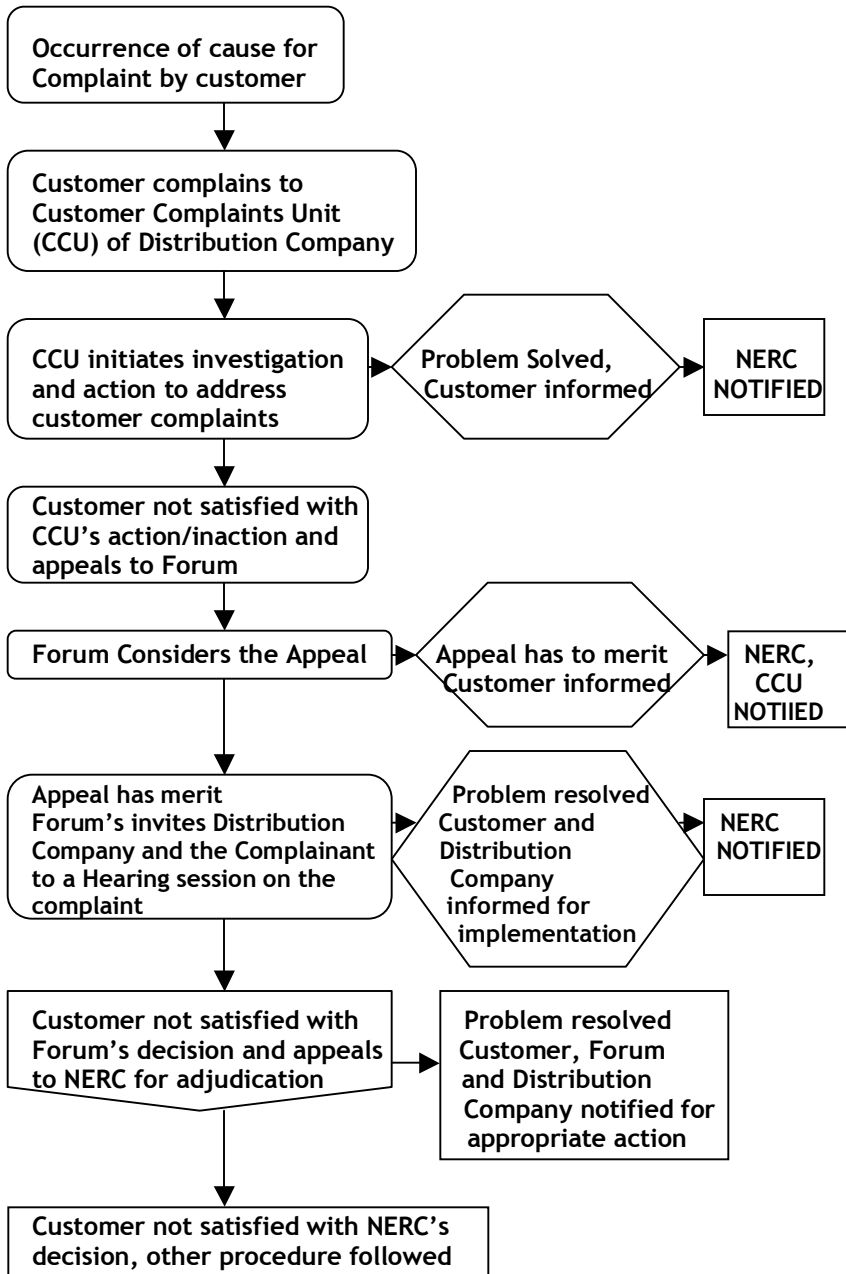
16. **Commission to Issue Orders or Directions**  
Subject to the provisions of the Act, the Commission may from time to time issue orders or directions with regard to the implementation of these Regulations

17. **Power to Amend**  
The Commission may at any time vary, alter, modify or amend any provision of these Regulations.

18. **Reports to Commission**  
The Forum shall submit a report to the Commission on the number of complaints received, decided and pending for every quarter of a calendar year as in **Form-2** hereto.

**BY ORDER OF THE COMMISSION**

# FLOW CHAT FOR CONSUMER COMPLAINTS PROCEDURES



**Form 1**

**Registration of Grievance**

Complaint No: \_\_\_\_\_ (To be provided by office)

Consumer No: \_\_\_\_\_ (To be provided by office)

Reg. No. of Complainant at the CCU: (Disco)/CCU/Code No.:

Date: \_\_\_\_\_

1. Name and address of complainant:

2. Telephone number (s) of complainant:

3. Type of problem:	Interruption (1)	Voltage (2)	Load Shedding (3)	Meter (4)	Billing (5)	Disconnection (6)	Delay in New Connection (7)	Others (8)
Tick the application box								

4. Brief description of grievance:

5. Any other relevant information:

6. Date of complaint: Signature of Complainant

\_\_\_\_\_ Tear from here \_\_\_\_\_  
To be retained by consumer

Complaint No. & Date: \_\_\_\_\_

(To be provided by office)

Consumer No: \_\_\_\_\_

(To be provided by office)

1. Name of Consumer:

2. Brief description of complaints:

3. Target date to resolve grievance

: (To be provided by office)

Signature of staff receiving the application

Designation & Seal

(Please provide your complaint number in any future communications)

**Form 2**  
**Monthly Complaints Report\***

Month and year  
Monthly report on complaints received

Distribution Company Name	Sub-division office	Complaints at the beginning of the month (No)	No of complaints received during the month	Time duration for resolving complaints during the month- (Maximum/Average/minimum) (Days and Hours)	Complaints under column C that are resolved	Complaints under column D that are resolved	No of complaints pending at the end of the month (by category of complaint)										Remarks (including reasons for non-redressal of complaints)
							More than 6 mths		3-6 mths		1-3 mths		For 1 mth		Total		
							H	I	J	K	L	M					
A	B	C	D	E	F	G	H	I	J	K	L	M	12				
							1	2	3	4	5	6	7	8			

\*Form 2 is used by both the Forum and the Distribution Company

Category of Complaint:

- (1) Interruption
- (2) Voltage
- (3) Load Shedding
- (4) Meter
- (5) Billing
- (6) Disconnection
- (7) Delay in new connection
- (8) others

