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NIGERIAN ELECTRICITY REGULATORY COMMISSION

CUSTOMER COMPLAINTS HANDLING: STANDARDS AND PROCEDURES

In exercise of the Powers to make Regulations conferred by Section 96 (2) (c) and (d) of the Electric Power Sector Reform Act 2005 (Act No. 6 of 2005), the Nigerian Electricity Regulatory Commission makes the following Regulations for the handling of customer complaints.

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

Short title
and
commence-
ment.

(2) These Regulations shall be applicable to all 'Distribution Licensees in Nigeria and shall come into force on the date of the Order.

2.—(1) "Act" means the Electric Power Sector Reform (EPSR) Act, 2005 ;

(2) "Area of Supply" means the area within which a Distribution Licensee is authorised by its licence to supply electricity ;

(3) "Chairperson" means the Chairperson of the Forum ;

(4) "Commission" means the Nigerian Electricity Regulatory Commission (NERC) ;

(5) "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 ; or

(iv) one or more customers, where there are numerous customers having the same interest ; or

(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 (6) herein ;

Definitions—
In these
Regulations,
unless the
context
otherwise
requires.

43

1. Regulations for other market participants (Generation and Transmission) are as contained in the Market Rules and Business Rules of NERC.

(6) "*Complaint*" means any allegation in writing made by a complainant, which may include but is not restricted to, 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 undertaken 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 incurred 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 ;

(7) "*Complaints Officer*" means the officer of the Customer Complaints Unit of the Distribution Licensee responsible for handling customer complaints in the Customer Complaints Unit ;

(8) "*Customer*" means any person or organisation supplied with electricity for his own use by a Distribution Licensee 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 being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity from a Distribution Licensee or such other person, as the case may be ;

(9) "*Customer Complaints Unit*" means the dispute resolution body set up by the Distribution Licensee under these Regulations ;

(10) "*Customer Dispute*" means a dispute where the person, or organisation, against whom a complaint has been made, disputes the allegations contained in the complaint and a complaint remains unsettled ;

(11) "*Defect*" means any fault, imperfection or shortcoming in the quality, quantity, standard of service, equipment or material which is required to be maintained by or under any law or Regulation for the time being in force or under any contract, express or implied, or as is claimed by the customer in relation to electricity service ;

(12) "*Deficiency*" means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of service which is required to be maintained by or under any law or regulation 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(s), contraventions of the EPSR Act, rules or Regulations made thereunder with regard to customer interest ;

(13) "*Distribution Licensee*" means a licensee authorised to operate and maintain a distribution system for supplying electricity to the customer in his area of supply ; and in these Regulations also referred to as Distribution Company ;

(14) "*Electricity Service*" means supply, billing, metering and maintenance of electrical energy to the customer and all related services ;

(15) "*Form*" means the forms appended to these Regulations ;

(16) "*Forum*" means the 'FORUM for Customer Complaints' to be established by the Commission under these Regulations ;

(17) "*Member*" means a member of the Forum and includes the Chairperson of the Forum ;

(18) "*Restrictive Trade Practice*" in respect of electricity supply means a trade practice which tends to impose on 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 ;

(19) "*Government*" means the Federal, State or Local Government of Nigeria ;

(20) "*Unfair Business Practice*" means a business practice which a Distribution Licensee practices 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 ;

(21) "*Words and Expressions*"

(i) used and not defined in these Regulations but defined in the EPSR Act shall have the meanings assigned to them in the Act ;

(ii) words implying any one gender includes the other gender and the singular includes the plural and vice versa.

3.—(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 (6) of these Regulations.

Establishment of Customer Complaints Units.

(2) Whilst every Distribution Licensee is required to establish at least one Customer Complaints Unit it may choose to establish more than one based in different locations within its operational area.

(3) Each Customer Complaints Unit shall be headed by a senior officer of the Distribution Company designated as the Customer Complaints Officer and staffed by employees of the Distribution Company. Overall responsibility for ensuring that complaints are satisfactorily resolved and that lessons learnt from these complaints are incorporated into the Distribution Company's operational procedures however rests with the Distribution Licensee's Chief Executive Officer.

(4) The Distribution Licensee shall ensure that all complaints are handled in compliance with its written complaints procedures, which complaints procedures shall be lodged with the Commission. The timetable and reporting structure is to be established by the Commission.

(5) All complaints must be lodged firstly, in writing, with the Customer Complaints Unit of the Distribution Licensee.

(6) A complaint may also be lodged through e-mail to the respective Customer Complaint Unit's e-mail address which shall be published.

(7) 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 statement indicating that the complaint was recorded by him and that it was understood by such complainant.

(8) All complaints shall be resolved, and the customer notified expeditiously, but in any case within 15 working days of the written complaint being received by the Customer Complaints Unit. Where additional time is required however, for example to test the accuracy of the meter, the customer must be notified within 15 working days of receipt of the complaint of the action(s) being taken and every 15 working days until the complaint is resolved.

(9) 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.

(10) Where the Distribution Licensee and the customer are unable to agree on a resolution to a complaint either party may refer the complaint to the Forum.

Constitution
of the Forum
and Quorum
for its
Meetings.

4.—(1) The Commission shall establish a Forum for hearing and resolving customer complaints in the operational area of every Distribution Licensee at a date set out in the Order of the Commission.

(2) The Forum shall be located within the area of operation of the Distribution Licensee with the Secretary, administrative support and monitoring provided by the Commission.

(3) The Forum shall consist of five part-time members, who shall be reputable men and women living in the operational area of the Distribution Licensee.

(4) The Membership of the Forum shall be as follows but in no case shall the person nominated be an employee or a family member of an employee of the Distribution Licensee:

(i) One representative of Industrial Customers to be nominated by the Manufacturers' Association of Nigeria.

(ii) One representative of Commercial Customers to be nominated by the Nigerian Association of Chambers of Commerce, Industry, Mining and Agriculture.

(iii) One representative of Household Customers to be nominated by the Consumer Protection Council.

(iv) One representative of an NGO based in the Distribution Licensee's operating area nominated by the Commission.

(v) One nominee based in the Distribution Licensee's operating area who has an electrical engineering background nominated by the Commission.

(5) 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.

(6) Every Member of the Forum shall hold office for a term of three years and may be eligible for reappointment for one additional consecutive term of three years and no more.

(7) Three Members of the Forum shall form a quorum for a meeting. Where the Chairperson is not present the members present will elect a Chairperson for that meeting of the Forum.

(8) The office of any Member shall not be kept vacant for more than two months.

(9) The honorarium together with all other terms and conditions of service of the members shall be provided by the Commission.

(10) The office space and other facilities required by members of the Forum, for the efficient functioning of the Forum shall be provided by the Distribution Licensee.

5.—(1) No Member shall be removed from office except in accordance with the provisions of these Regulations.

Removal of a
Forum
Member.

(2) A Member of the Forum may, by Order of the Commission, be removed from office if any of the following occur :

(i) He has been adjudged insolvent ;

(ii) He has been convicted of an offence which involves moral turpitude ;

(iii) He has become physically or mentally incapable of acting as a Member, as determined by a competent authority ;

(iv) He has acquired such financial or other interest as is likely to affect prejudicially his function as a Member ;

(v) He has so abused his position as to render his continuance in office prejudicial to the public interest ;

(vi) He has been adjudged by his peers to have been guilty of proven gross misconduct ; or

(vii) He has failed to attend the meetings of the Forum on three consecutive occasions.

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.

Jurisdiction of the Forum.

6.—(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 EPSR Act.

(2) The number of Forums established within each Distribution Licensee's operational area will be determined by the Commission based on the volume of work being undertaken by each Forum and the need to ensure that all complaints are resolved within a period of two months from the date of receipt.

Duty of the Distribution Licensee to Notify.

7.—(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 customer's 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) Contact details of the Forum together with details of how to complain 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, post office box number, telephone numbers and e-mail address of the Forum and shall also have printed on such bills the following statement :

"Customer whose complaints are not satisfactorily addressed by the Customer Complaints Unit of the Distribution Licensee may approach the Forum established for customer complaints"

(5) To facilitate easy registration of complaints by customers the Distribution Licensee shall obtain a Post Office Box Number for both the Customer Complaints Unit and the Forum.

(6) These Regulations shall be put on the website of the Distribution Licensee and copies made available to its Business Units and undertakings for further distribution to local councils and shall be given wide publicity through electronic/print media.

8.—(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.

Procedure for Filing Complaints.

(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.—(1) On receipt of a complaint, the Secretary shall endorse the complaint and date it. Each complaint received shall be registered and serially numbered.

(2) The Forum Secretary 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) above the Forum may hear or reject a complaint.

(5) The admissibility of a complaint for hearing shall be decided within ten working days from the date on which the complaint was received.

(6) Where a complaint is allowed to be heard, the Forum may proceed with the complaint in the manner provided for under these Regulations.

(7) A complaint may be rejected as provided for under sub-section (4) of this section if, in the opinion of the Forum, the complaint is frivolous, vexatious or lacks merit.

(8) Where a complaint is rejected the complainant shall be informed in writing within 5 working days of the decision to reject the complaint giving reasons why the complaint was rejected and providing to the complainant a further opportunity to explain his case. The complainant will also be advised of his right to appeal the decision of the Forum to the Commission.

10.—(1) The Forum shall :

Procedure
for Hearing
Complaints
by the
Forum.

(i) refer a copy of a complaint to the Complaint Officer of the Customer Complaints Unit of a Distribution Licensee directing him to present the case within a period of ten working days or such extended period not exceeding five working days as may be granted by the Forum ;

(ii) where the Complaints Officer on receipt of a copy of the complaint, referred to him under sub-section (a) below 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 ;

(a) 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

(b) ex-parte on the basis of evidence brought to its notice by the complainant where the Complaints Officer fails to take any action to present the case within the time given by the Forum ;

(iii) fix a date for the hearing and shall so inform the complainant and the Complaints Officer ;

(iv) where the complainant fails to appear before the Forum on the date of hearing, the Forum may either dismiss the complaint for default of appearance ;

decide it on merit or, where the circumstances for not attending warrant, the hearing of that complaint may be adjourned.

(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 granting the adjournment have been recorded by the Forum ;

(4) In the event of a complaint not being disposed of within the maximum period specified above, the complainant shall be informed in writing of the reasons for the delay and advised of his right of appeal to the Commission ;

(5) Where a complaint has been referred to the Forum and they deem it necessary to make an interim decision they may make such an 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 ;

(6) Every proceeding shall be conducted by the Chairperson of the Forum and the Members 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 a quorum.

Decisions of
the Forum.

11.—(1) If, after the proceeding conducted under Section 10, 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 but is not restricted to :—

(a) returning to the complainant the undue charges paid by him ;

(b) removing the defects/deficiencies in the services the subject of the complaint ;

(c) discontinuing the unfair trade practice or the restrictive business practice or not to repeat them ;

(d) withdrawing the hazardous electrical services being offered ; and

(e) providing for adequate costs to the claimant.

(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) All decisions made by the Forum shall be in writing and signed by its Chairperson and the Members conducting the proceeding.

(5) The proceedings and decisions of the Forum along with the time allowed for compliance shall be recorded and communicated to the complainant and Distribution Licensee.

(6) The Distribution Licensee shall implement the decisions of the Forum within the time specified in the directives of the Forum. The Distribution Licensee shall also report its compliance with the directives of the Forum, or the reasons for any delay in complying with the directives of the Forum, to the Forum within five working days of the directives being implemented.

12.—(1) Any person or organisation aggrieved by a decision made by the Forum may seek an appeal against such a decision to the Commission within a period of ten working 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 ten working 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 a complainant who, in terms of a decision by a Forum, is required to pay an amount to a Distribution Licensee unless that amount has been paid.

13. 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 those under the Consumer Protection Council Act No. 66 of 1992.

14.—(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 appear to it to be necessary or expedient for the purpose of removing difficulties.

15. 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.

16. The Commission may at any time vary, alter, modify or amend any provision of these Regulations.

17. 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.

Appeal.

General Provisions.

Powers to Remove Difficulties.

Commission to Issue Orders or Direction.

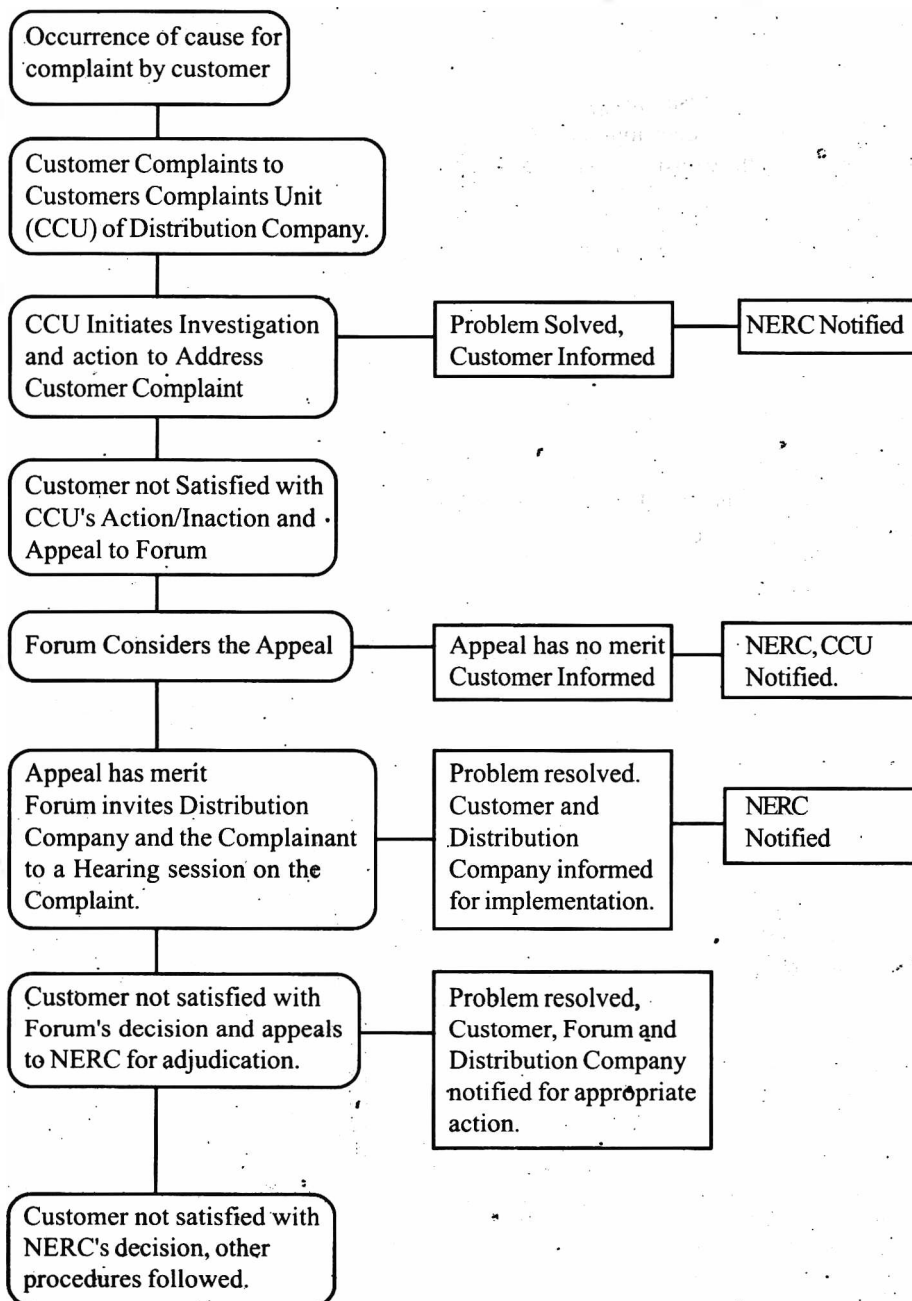
Power to Amend.

Reports to the Commission.

BY ORDER OF THE COMMISSION

Commissioner of Consumer Protection
 Ministry of Consumer Affairs
 Government of India

FLOW CHART 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. :

1. Name and address of complainant :

2. Telephone number(s) of complainant :

3. Type of problem :	(1) Interruption	(2) Voltage	(3) Load Shedding	(4) Meter	(5) Billing	(6) Disconnec- tion	(7) Delay in New Connection	(8) Others
Tick the applicable 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. and Date : (To be provided by office)

Consumer No : (To be provided by office)

1. Name of consumer :

2. Brief description of complainant :

3. Target date to resolve grievance : (To be provided by office)

Signature of staff receiving the application.

Designation and 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 (No.)	Time duration for Resolving complaints during the month (Maximum/ Average/Minimum) (Days and Hours)	Complaints under column C that are resolved (No.)	Complaints under column D that are resolved (No.)	No. of complaints pending at the end of the month (by category of complaints) :					Remarks (including reasons for non-redressal of complaints)	
							More than 6 month	3-6 months	1-3 months	For 1 month	Total		
A	B	C	D	E	F	G	H	I	J	K	L	M	N
							1						
							2						
							3						
							4						
							5						
							6						
							7						
							8						

*Form 2 is to be used by both the Forum and the Distribution Company.

Categories of Complaint :

- (1) Interruption.
- (2) Voltage.
- (3) Load Shedding.
- (4) Meter.
- (5) Billing.
- (6) Disconnection.
- (7) Delay in New Connection.
- (8) Others.

