



NIGERIA ELECTRICITY REGULATION COMMISSION **CUSTOMER COMPLAINTS HANDLING: STANDARDS AND PROCEDURES**

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

1. 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 notices, 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) 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:

“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.) 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.

2. 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 lodged through e-mail to the respective Forum's e-mail address (which shall be published) or may also be forwarded in writing.

3. Manner of Handling Complaints by the Forum

- (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 Organization or a Non-Governmental Organization (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 customer organization 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.

4. Procedure For Hearing Complaints by the Forum

- (1) The Forum shall:
 - (i.) 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 ten working days or such extended period not exceeding five working days as may be granted by the 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.

5. Decisions of the Forum

- (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 Complaint Unit and the Commission.
- (3) All decision of the Forum shall be taken by a 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 communication 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.

6. Appeal

- (1) Any person or organization 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.

7. General Provisions

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.

8. 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.

9. 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 regards to the implementation of these Regulations.

10. Power to Amend

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

11. Reports to the 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.