

**STATUTORY INSTRUMENTS
THE ELECTRICITY (QUALITY OF SERVICE CODE)
REGULATIONS, 2003**

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STATUTORY INSTRUMENTS
2003 NO. 21

**THE ELECTRICITY (QUALITY OF SERVICE CODE)
REGULATIONS, 2003**

(Under section 120 of the Electricity Act, 1999)

IN EXERCISE of the powers conferred upon the Electricity Regulatory Authority by section 120 of the Electricity Act, 1999, these Regulations are made this 11th day of April, 2003.

PART I – GENERAL PROVISIONS

1. Citation.

(1) These Regulations may be cited as the Electricity (Quality of Service Code) Regulations, 2003 and shall come into force on a date specified by the Authority by notice published in the Gazette.

(2) These Regulations constitute a quality of service code.

2. Application.

(1) These Regulations apply to-

- (a) licensed activities undertaken by persons holding licences for generation, transmission, system operation, bulk supply, distribution, sale, import or export of electricity under the Act;
- (b) the interaction between licensees, and between licensees and consumers.

(2) Persons holding the licences referred to in sub-regulation (1)(a) or exempted from holding such licences are in these Regulations referred to as licensees.

(3) Where a conflict occurs between these Regulations and the Primary Grid Code, the Primary Grid Code shall prevail.

3. Objectives.

The objective of these Regulations are to regulate licensees' activities relating to generation, transmission, system operation, bulk supply, distribution, sale, import and export of electricity so that those activities are carried out in a fair and reliable manner.

4. Interpretation.

In these Regulations, unless the context otherwise requires-

Act No. 6 of 1999. "Act" means the Electricity Act, 1999;

"Authority" means the Electricity Regulatory Authority.

5. Agreements.

(1) A licensee shall enter into agreements-

- (a) regulating the terms and conditions for the connection between installations of the licensee and those of other licensees;
- (b) regulating business relations with other licensees; and
- (c) defining its relationship with consumers.

(2) All agreements made under this regulation shall be subject to review and approval by the Authority prior to their execution, to ascertain whether they conform to the law.

6. Review.

(1) The Authority may review these Regulations either on its own initiative or in response to a proposal by a licensee, consumer organisation or other interested party with a view to identify whether it would, if amended, better facilitate the achievement of the objectives specified in the Act.

(2) Before conducting a review, unless the Authority is satisfied on reasonable grounds that an amendment is urgently required, the Authority shall ensure that-

- (a) all licensees, consumers and other interested parties are given reasonable time, not less than thirty days, to make representations to the Authority concerning the proposed amendment; and
- (b) those representatives are taken into account.

(3) The Authority shall notify all licensees, consumer organisations and other interested parties of any amendment that the Authority intends to make to these Regulations in accordance with this regulation.

(4) A licensee shall inform its customers of any amendment of these Regulations which requires any action to be taken by the customers.

7. Confidentiality.

(1) A licensee to whom confidential information is provided shall-

- (a) not divulge or give access of that confidential information to any person except as permitted or obliged under these Regulations or any other law; and
- (b) must only use or reproduce the confidential information for the purposes for which it was provided under these Regulations or any other law, or for a purpose consented to by the disclosure.

(2) For purposes of sub-regulation (1), confidential information means-

- (a) information about any person's private conditions other than his or her place of birth, citizenship, civil status, occupation, place of residence and work; and
- (b) information about technical arrangements and undertakings and conduct of business which for competitive reasons will be vital to keep secret.

- (3) Sub-regulations (1) and (2) do not prevent-
- (a) disclosure of confidential information-
 - (i) for use or reproduction if the correct information is at that time generally and publicly available as a result of a breach of confidence by the licensee or a related business associate;
 - (ii) to an employee or officer of the licensee or of a related business associate;
 - (iii) to a legal or other professional advisor, auditor or other consultant of the licensee, who requires the information for purposes of executing tasks under these Regulations or any other law, advising the licensee, or for planning or augmenting the distribution system;
 - (b) the disclosure, use or reproduction of information with the consent of the person to whom the information relates;
 - (c) the disclosure, use or reproduction of information to the extent required by law of-
 - (i) any Government or governmental body, authority or agency including the Authority having jurisdiction over a licensee or its related business associate; or
 - (ii) any stock exchange having jurisdiction over a licensee or its related business associate;
 - (d) the disclosure, use or reproduction of information if required in connection with legal proceedings, arbitration, expert determination or other dispute resolution mechanism or for the purpose of advising a person in relation to it;
 - (e) the disclosure, use or reproduction of information is required to protect the safety of an aggregate sum.

(4) The obligation of confidentiality under sub-regulation (1) also applies to recipients of such information disclosed for reasons for specified under sub-regulation (3).

(5) Where information is disclosed under this regulation, the licensee shall before such disclosure, inform the recipient about the confidential nature of such information and shall take appropriate precautions to ensure that the recipient keeps the information confidential and does not use the information for any other purposes other than those specified under sub-regulation (3).

PART II- QUALITY SERVICE

8. Minimum service standards.

(1) The Authority shall enforce minimum service standards and consequently a licensee shall adopt service rules incorporating minimum service standards and file them with the Authority for approval.

(2) The minimum service standards shall provide for-

- (a) continuity of service;
- (b) maintenance of proper customer relations;
- (c) the right of a licensee to refuse service;
- (d) the right of the licensee to demand a deposit from customers against future service;
- (e) the adoption of proper billing procedures;
- (f) the establishment of principles governing new construction;
and
- (g) procedure for abandonment or discontinuance of service.

PART III – CONTINUITY OF SERVICE

9. Service interruptions.

(1) A licensee shall undertake to make all reasonable efforts to prevent interruptions of service.

(2) When interruption does occur, a licensee shall seek to re-establish service within the shortest possible time consistent with prudent operating principles, so that the smallest number of customers is affected.

(3) Each licensee shall make reasonable provisions to meet emergencies resulting from a failure of service, and shall issue instructions to its employees covering procedures to be followed in the case of an emergency in order to prevent or mitigate the interruptions or impairment of service.

10. Record of interruptions.

(1) Except for momentary interruptions lasting not more than two minutes each and which do not cause a major disruption of service, each licensee shall keep a complete record of all emergency and scheduled interruptions.

(2) The record under sub-regulation (1) shall show the cause of interruption, the date, time duration, approximate number of customers affected, and in cases of emergency interruptions, the remedy and steps taken to prevent recurrence.

(3) The Authority may further prescribe the contents of any record under sub-regulation (1).

11. Report to Authority.

(1) The Authority shall be notified in writing of any interruption in service affecting the entire system or any of its major divisions that lasts more than two minutes.

(2) The notice under sub-regulation (1) shall also state the cause of the interruption.

(3) A licensee shall issue quarterly reports to the Authority containing the aggregate version of the record provided under sub-regulation (1) of regulation 10.

(4) The Authority may further prescribe the contents of the annual report under this regulation.

PART IV – CONSUMER RELATIONS

12. Information to consumers.

- (1) Each licensee must-
 - (a) maintain a current set of maps showing the physical locations of its facilities;
 - (b) assist the consumer or applicant in selecting the most economical rate schedule;
 - (c) notify consumers affected by a change in rates or schedule classification;
 - (d) post a notice in a conspicuous place in each business office of the licensee where applications for service are received, informing the public that copies of the rate schedules and rules relating to the service of the licensee as filed with the Authority are available for inspection;
 - (e) inform its consumers as to the method of reading metres;
 - (f) provide consumers with an information packet containing the following information-
 - (i) the consumer's right to information concerning rates and services;
 - (ii) the consumer's right to have his or her meter checked;
 - (iii) the time allowed to pay outstanding bills;

- (iv) grounds for termination of service;
- (v) the time the licensee must take before terminating service;
- (vi) how the consumer can resolve billing discounts with the licensee;
- (vii) steps necessary to have service reconnected after involuntary termination;
- (viii) the appropriate authority with whom to register a complaint and how to contact them;
- (ix) the hours, addresses and telephone numbers of officers where bills may be paid and where information may be obtained; and
- (x) the consumer's right to be instructed by the licensee on how to read his or her meter.

13. Consumer complaints and dispute resolution.

(1) If a consumer has a complaint regarding the licensee's obligations under the Act, these Regulations or any other relevant law, code, standard or licence, the consumer may in case of a serious complaint lodge the complaint in writing with the licensee, and in other cases verbally to have the complaint solved amicably.

(2) Upon complaint to the licensee, the licensee shall promptly make a suitable investigation and advise the complainant in writing of the results of its investigation.

(3) Additionally, the licensee shall keep a record of all complaints that shall indicate the name and address of the complainant, the date and nature of the complaint and its disposition.

(4) Where after raising the complaint with the licensee the consumer is not satisfied with the licensee's response to the complaint, the consumer may refer the complaint to the Authority.

(5) The Authority may delegate its powers relating to dispute resolution to local or centralised committees established under sections 14 and 16 of the Act, or may conduct the dispute resolution itself depending on the gravity of the dispute.

(6) A person aggrieved by the decision of the committee where a dispute is solved by a committee as provided in sub-regulation (5) may appeal in writing to the Authority.

(7) A person aggrieved by the decision of the Authority in a dispute resolved by the Authority may appeal in writing to the Electricity Dispute Tribunal established under Part XIII of the Act.

(8) The Authority may decide that a dispute resolved by a committee under sub-regulation (5) may not be appealable to the Authority or Electricity Dispute Tribunal if the disputed amount of money is limited and the dispute is in the opinion of the Authority, of a minor nature.

(9) This regulation does not prevent a customer or licensee from referring a dispute to court.

PART V – REFUSAL OF SERVICE

14. Compliance by applicant.

(1) A licensee may decline to serve an applicant for the licensee's service until the applicant has complied with the approved rules and regulations of the licensee filed with the Authority governing the service applied for.

(2) A licensee may also decline to provide a service-

- (a) if the applicant's facilities are inadequate;
- (b) for indebtedness; or
- (c) for refusal to make a deposit if the applicant is required to do so.

15. Complaint of refusal of service.

Where the licensee refuses to serve an applicant, the licensee shall inform the applicant in writing of the basis of its refusal and the fact that the applicant may file a complaint with the Authority as provided under regulation 13.

16. Insufficient grounds for refusal to serve.

The following do not constitute sufficient grounds for refusal of service to a current customer or applicant-

- (a) delinquency in payment for service by a previous occupant of the premises to be served;
- (b) failure to pay a bill to correct previous under billing due to misapplication of rates more than six months prior to the date of application;
- (c) violation of the licensee's rules pertaining to operation of non-standard equipment or the authorised attachments which interfere with the service of others, unless the customer has first been notified and afforded reasonable opportunity to comply with the rules;
- (d) failure to pay a bill of another customer as guarantor, unless the guarantee was made in writing to the licensee as a condition precedent to service; and
- (e) failure to pay the bill of another customer at the same address, except where the change of customer identify is made to avoid or evade payment of a utility bill.

17. Discontinuance of service.

(1) The due date of the bill for utility service shall not be less than the period of time provided by the licensee's connection or business relation agreement approved by the Authority.

(2) A licensee may offer a plan for payment by instalments.

(3) Service may be disconnected for any of the following reasons-

- (a) failure to pay a delinquent account or failure to comply with the terms of a deferred payment plan for instalment payment of a delinquent account;
- (b) violation of the licensee's rules pertaining to the use of service in a manner which interferes with the service of others or the operation of non standard equipment, if a reasonable attempt has been made to notify the customer and the customer is provided with a reasonable opportunity to remedy the situation;
- (c) failure to comply with deposit or guarantee arrangements;
- (d) without notice where a dangerous condition exists for as long as the condition exists; or
- (e) tampering with or by-passing the licensee's meter or equipment.

(4) Unless a dangerous condition exists or the customer requests disconnection, service shall not be disconnected on a day, or on a day immediately preceding a day when personnel of the licensee are not available to the public for the purpose of making collections and reconnecting service.

PART VI – CONSUMER DEPOSITS

18. Establishment of deposit for applicants.

(1) Each licensee may require an applicant for service to establish a satisfactory deposit but the establishment of credit shall not relieve the customer from complying with the rules for prompt payment of bills.

(2) Every applicant who has previously been a customer of the licensee and whose service has been discontinued for non-payment of bills shall, before service is tendered, pay all his or her amounts due to the licensee, or execute a written deferred payment agreement, if offered.

19. Amount of deposit.

(1) The required deposit under regulation 18 shall not exceed an amount equivalent to a month or three times the average monthly bill for a person who is on a monthly billing cycle.

(2) If actual use is at least twice the amount of the estimated billings, a new deposit requirement may be calculated and an additional deposit may be required within two days and if the deposit is not made, the licensee may disconnect service under the standard disconnection procedure for failure to comply with deposit requirements.

20. Record of deposits.

(1) A licensee shall keep records to show-

- (a) the name and address of each depositor;
- (b) the amount and date of deposit; and
- (c) each transaction concerning the deposit.

(2) A licensee shall issue a receipt of deposit to each applicant from whom a deposit is received and shall provide the means by which a depositor may establish a claim if the receipt is lost.

(3) A record of each unclaimed deposit shall be maintained for at least a four years, during which time the licensee shall make a reasonable effort to return the deposit.

21. Refund of deposit.

(1) If service is not connected or after disconnection of service, the licensee shall promptly and automatically refund the customer's deposit plus accrued interests on the balance if any, in excess of the unpaid bills for service furnished.

(2) The transfer of service from one premises to another within the service area of the licensee shall not be deemed as a disconnection and no additional deposit may be demanded.

22. Complaint by applicant or consumer.

Each licensee shall direct its personnel who deal with applicants for credit to notify them that, if they are dissatisfied with the licensee's decision, they have a right to file a complaint with the Authority as provided under regulation 13.

PART VII – BILLING

23. Billing frequency and contents.

(1) Bills for electricity service shall be delivered to consumers monthly, unless otherwise authorised by the Authority or unless service is rendered for a period less than one month.

(2) Bills shall be prepared as promptly as possible following the reading of metres, or following a flat monthly amount if the monthly amount is determined.

(3) Billing may be based on pro rata estimates which shall be settled annually according to the actual figures.

(4) A consumer's bill shall show the following information-

- (a) the date and reading of the meter if the meter is read by the licensee;
- (b) the number and kind of units billed;
- (c) the applicable rate;
- (d) the total base bill;
- (e) the total of any adjustments to the base bill and the amount of adjustment per billing rate;
- (f) the date by which the consumer must pay the bill;
- (g) the total amount due before and after any discount for prompt payment within a designated period;

- (h) a distinct marking to identify an estimated bill;
- (i) the pro rata amount to pay, and the estimate forming the basis for the amount; and
- (j) the settlement of the bill, adjusted for the actual amount to pay, compared with the pro rata amounts paid.

24. Disputed bills.

(1) Where there is a dispute between the consumer and the licensee regarding the bill, the licensee shall make an investigation and report the results in writing to the consumer.

(2) Where the dispute is not resolved, the licensee shall inform the consumer of the complaint procedures of the Authority as provided by regulation 13.

(3) The consumer shall not pay the disputed portion of the bill which exceeds the amount of the consumer's average usage for the billing period at current rates until the resolution of the dispute.

PART VIII - METERS

25. Meter requirements.

(1) All electricity sold by the licensee shall be charged for by meter measurements or by a flat monthly amount.

(2) Unless otherwise authorised by the Authority, each licensee shall provide and install and continue to own and maintain all meters necessary for measurement of electricity delivered to its customers.

(3) A licensee shall not be allowed to put or use any meter that is not reliable and of a standard or type not approved by the Authority.

26. Record of meters.

(1) Each licensee shall keep a record of all its meters, showing the consumer's address and date of the last test.

(2) All meter tests shall be properly referred.

(3) The record of each test made shall show the identifying number and contents of the meter, the standard meter and other measuring devices used, the date and kind of test made, by whom made, the error or percentage of accuracy at each load tested, and sufficient data to permit verification of all calculations.

27. Meter tests on request of consumer.

(1) Each licensee shall, upon request of a consumer provide for a test of the accuracy of the meter serving that consumer.

(2) The licensee shall inform the consumer of the time and place of the test and permit the consumer or his or her authorised representative to be present if the consumer so desires.

(3) The consumer shall be properly informed of the result of any test on a meter that serves him or her.

(4) If the meter is found to be more than nominally defective to either the consumer's or the licensee's disadvantage, any fee charged for a meter test shall be refunded to the consumer.

(6) In this regulation "more than nominally defective" means a deviation of more than 2.0% from accurate registration.

28. Bill adjustments.

(1) If any meter test reveals a meter to be more than nominally defective, the licensee shall correct previous readings consistent with the inaccuracy found in the meter for the period since the last test of the meter was conducted.

(2) If a meter is found not to register for any period of time, the licensee may make a charge for units used but not metered for a period of time to be based on consumption rates during other like periods by the same consumer at the same location.

PART IX – NEW CONSTRUCTIONS

29. Standards of construction.

Each licensee shall construct, install, operate and maintain its plant, structure, equipment and lines in accordance with the best industry standard and in a manner to best accommodate the public and to prevent interference with the services furnished by other public utilities.

30. Extension policy plans.

(1) Every licensee shall file its extension policy plans with the Authority.

(2) The policy and plans under sub-regulation (1) shall be consistent, non discriminatory, and subject to the approval of the Authority.

31. Response to request for service.

(1) Every licensee shall serve each qualified applicant for service within its service areas as rapidly as practical.

(2) A general policy regarding the minimum time shall be adopted or approved by the Authority for both cases where the extensions are involved and where they are not involved.

32. Construction activities and transfer.

Each licensee shall file with the Authority a notification and application for planned construction work activities or transfer of licensed installations or activities, subject to licensing under the Act.

PART X – ABANDONMENT OR DISCONTINUANCE OF SERVICE

33. Discontinuance of service.

(1) Discontinuance of service by a licensee due to other reasons than misconduct by the consumer to whom service is to be abandoned requires prior written approval of the Authority.

(2) Except in emergency situations an application to abandon or discontinue service shall be filed with the Authority at least sixty days prior to the proposed date of abandonment or discontinuance of service.

(3) The application under sub-regulation (2) shall state the following-

- (a) the number of directly effected consumer in each class;
- (b) the names and addresses of all directly affected consumers;
- (c) the specific reasons for the proposed abandonment; and
- (d) the alternative energy sources available to the affected consumers.

(4) The licensee shall send a copy of the application to all directly affected consumers simultaneously with the filling of the application to abandon service with the Authority.

(5) Directly affected consumers shall be given a time frame of not less than thirty days from receiving the licensee's application to lodge their representations.

(6) In emergency situations, the licensee shall file an application to abandon or discontinue service at the earliest possible time after the licensee becomes aware that the abandonment or discontinuance is necessary.

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CHAIRPERSON
ELECTRICITY REGULATORY AUTHORITY.