

UNDERSTANDING YOUR RIGHTS AS AN ELECTRICITY CUSTOMER IN NIGERIA

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1. Introduction

The Nigerian Electricity Regulatory Commission (**NERC**), in February 2020, released an Order on the capping of estimated bills in the Nigerian Electricity Supply Industry (**NESI**) (the **Order**). The Order, issued with the objective of protecting unmetered single and 3-phase residential electricity customers (R2) and single and 3-phase commercial electricity customers (C1) amongst others, set a cap on the amount that customers without electricity meters are eligible to pay. In June 2020, the NERC issued notices of intention to commence enforcement action against seven electricity distribution companies (DisCos) over failure to comply with the Order. The notices are an indication that many electricity customers remain unmetered and DisCos continue to issue arbitrary estimated electricity bills to electricity customers. While the NERC intends to sanction defaulting DisCos, it is important for electricity customers to understand their rights as electricity customers and how to seek redress where they have been issued arbitrary estimated electricity bills.

2. The Rights of an Electricity Customer in Nigeria

Pursuant to the provisions of the NERC's Customer Service Standards of Performance for Distribution Companies, Customer Complaints Handling Services and Procedures, Connection and Disconnection Procedures for Electricity Services, and Meter Reading, Cash Collections & Credit Management for Electricity Supply, all electricity customers have the following rights:

- (a). Right to electricity supply in a safe and reliable manner.
- (b). Right to a properly installed and functional meter.
- (c). Right to be properly informed and educated on the electricity service.
- (d). Right to transparent electricity billing.
- (e). Right to be issued with electricity bills strictly based on NERC's estimated billing methodology where the customer is unmetered.

¹ **Brooks & Knights Legal Consultants (BKLC)** is a law firm established in Lagos, Nigeria to provide bespoke legal advisory and policy consulting services to individuals, corporates, government agencies and NGOs.

- (f). Right to be notified in writing ahead of disconnection of electricity service by the DisCo serving the customer in line with NERC's guidelines.
- (g). Right to a refund when over billed.
- (h). Right to file complaints and to the prompt investigation of complaints.
- (i). Right to send all complaints on electricity supply and other billing issues to the nearest business unit of the DisCo serving the customer.
- (j). Right to escalate the issue, when not satisfactorily addressed by the business unit of the DisCo to the NERC Forum Office within the coverage area of the DisCo.
- (k). Right to appeal the decision of the NERC Forum Office by writing a petition to the NERC.
- (l). Right to contest any electricity bill.
- (m). Any un-metered customer who is disputing his or her estimated bill has the right not to pay the disputed bill, but pay only the last undisputed bill as the contested bill goes through the dispute resolution process of NERC.
- (n). It is not the responsibility of electricity customer or community to buy, replace or repair electricity transformers, poles and related equipment used in the supply of electricity.

3. **How to seek redress**

Except customers (in the R2 and C1 tariff categories) with complaints related to

estimated billing after issuing of the Order, complaints relating to breach of electricity customer rights are expected to follow 3 steps.

- (a). Report breach of right to the DisCos' Customer Complaints Unit (CCU). When an electricity customer has suffered a breach of his rights as an electricity customer, the complaint shall first be reported to the CCU of the DisCo responsible for supplying electricity to the electricity customer's area.
- (b). Report breach of right to the NERC Consumer Forum. The NERC has a Consumer Forum which is set up to respond to complaints of electricity customers who are dissatisfied with the outcome of the handling of the electricity customer's complaints by the CCU or where the CCU delays or fails to handle the electricity customer's complaints.
- (c). Report decision of the NERC Consumer Forum to NERC. Where an electricity customer is dissatisfied with the decision of the NERC Consumer Forum, the electricity customer is entitled to submit a petition to the NERC.

Customers in the R2 and C1 tariff categories with complaints related to estimated billing after February 2020 are expected to report the breach of their electricity rights directly to the NERC by filling out an online Complaints Form and

attaching a copy of the bill. Such electricity customers must be unmetered and must have been billed above the NERC stipulated capped energy by their DisCos after February 2020 i.e. for the month of March 2020 and beyond.

4. **Conclusion**

Electricity customers have rights and following the established procedure to seek redress means that electricity customers can have their complaints promptly addressed.