

PUBLIC UTILITIES REGULATORY COMMISSION (CONSUMER SERVICES) REGULATIONS, 2019

ARRANGEMENT OF REGULATIONS

Regulation

Preliminary Provisions

1. Purpose of the Regulations
2. Application of Regulations

Consumer Right and Obligation

3. Rights of the consumer
4. Obligations of the consumer
5. Enforcement of the rights of a consumer

Complaints and Dispute Resolution

6. Complaint by public utility
7. Complaint by consumer
8. Form of complaint lodged with the Commission
9. Resolution of complaint by a public utility
10. Service of complaint on respondent
11. Preliminary investigation of complaint
12. Mediation of complaint
13. Formal hearing of complaint
14. Withdrawal of complaint
15. Experts

Consumer Service Committees

16. Establishment of Consumer Service Committees
17. Functions of a Consumer Service Committee
18. Terms and conditions of appointment of members of Consumer Service Committee

Key Performance Indicators for Service

19. Key performance indicators for electricity

20. Key performance indicators for water

Metering and Billing

21. Prepayment metering

22. Installation of prepayment meter

23. Billing of consumers

Disconnection

24. Disconnection of service

25. Wrongful disconnection of service

26. Times for disconnection of service

27. Disconnection of specified persons

28. Disconnection from electric pole or service mains

29. Disconnection of specified institutions

Reconnection

30. Reconnection of service

31. Order by Commission for reconnection of service

Enforcement and Sanctions

32. Sanctions against consumer

33. Sanctions against public utility

34. Exceptions to compensation payments

35. Enforcement by Commission

36. Regulatory charges for non-compliance

37. Enforcement of decision of Commission by court

Miscellaneous Provisions

38. Reporting Standards

39. Reporting requirements

40. Interpretation

41. Revocation

FIRST SCHEDULE

Average Accuracy of Prepayment Meter

SECOND SCHEDULE

Regulatory Charges

DRAFT

PUBLIC UTILITIES REGULATORY COMMISSION (CONSUMER SERVICE) REGULATIONS, 2019

IN exercise of the power conferred on the Public Utilities Regulatory Commission by section 48 of the Public Utilities Regulatory Commission Act, 1997 (Act 538), these Regulations are made this..... day of2019.

Preliminary Provisions

Purpose of the Regulations

1. The purpose of these Regulations is to provide for
 - (a) a transparent, regulatory monitoring framework to secure an adequate, efficient, reasonable and non-discriminatory utility service; and
 - (b) an enforcement framework to ensure quality of service benchmarks.

Application of Regulations

2. These Regulations apply to a public utility
 - (a) licensed by the Energy Commission to engage in the
 - (i) supply, transmission, distribution or sale of electricity; and
 - (ii) processing, transportation, distribution or sale of natural gas;and
 - (b) licensed or authorised under any relevant enactment to engage in the production, transmission or distribution of water.
 - (c) A customer who contracts with a public utility for service; and
 - (d) A consumer who purchases, receives or makes use of a service provided by a public utility

Consumer Rights and Obligations

Rights of the consumer

3. (1) A person who
 - (a) applies for a service within the concessional area of a licensed public utility,
 - (b) is willing to pay for the service; and
 - (c) complies with the utility requirementshas a right of access to the service.
 - (2) Subject to the investment plan of the licensed public utility, a consumer is entitled to a right of access to utility service that is non-discriminatory.
 - (3) A consumer is entitled to the provision of a service which is safe, adequate, efficient and reasonable on a non-discriminatory basis.
 - (4) A consumer has a right of access to information pertaining to a service including information relating to
 - (a) the procedure for access to a new service;
 - (b) a meter or billing functions;
 - (c) the approved tariff schedule;
 - (d) notice of disconnection;
 - (e) notice of planned outage;
 - (f) consumer education by means of a Consumer Charter;
 - (g) procedure for seeking redress in the event of a violation of the right of a consumer by a licensed public utility.
 - (5) A licensed public utility may not deny the right of access of a consumer to a service excepted for stated reasons which are subject to review by the Commission.

Obligations of the consumer

4. A consumer shall
 - (a) pay for a service received within the period specified in regulation 22;
 - (b) not connect illegally to a service;
 - (c) use a service for the purpose for which the service was contracted;
 - (d) not engage in the unauthorised use of a service which was connected in an approved manner;
 - (e) not tamper or interfere with a meter or utility equipment or permit any other person to tamper or interfere with a meter or utility equipment;
 - (f) not damage a utility installation or equipment or permit any other person to damage a utility installation or equipment;
 - (g) not use a service in a manner which interferes with supply of the service to others;
 - (h) not allow another person to use a service in a manner which interferes with supply of the service to others;
 - (i) grant the employee of a public utility or agent of a public utility, access to the premises of the consumer to read a meter or to check a utility equipment, where that employee or agent follows the prescribed procedure for grant of access; and
 - (j) comply with any enactments relating to utility services in the country.

Enforcement of the rights of a consumer

5. (1) For the purpose of enforcing the rights of a consumer under regulation 3, the Commission may issue orders for the violation of the rights.
 - (2) Where the Commission considers it necessary, the Commission may delegate the power to issue orders under subregulation (1) to an officer of the Commission.

Complaint by public utility

6. (1) A complaint may be lodged with the Commission by
- (a) a public utility against a consumer; and
 - (b) a public utility against another public utility or an investor.

(2) Sub regulation (1) excludes a claim for death or bodily injury suffered by a consumer for use of a service.

Complaint by consumer

7. A consumer may lodge a complaint against
- (a) another consumer, or
 - (b) a public utility, with the public utility in respect of a utility service provided by the public utility.

Form of complaint lodged with the Commission

8. (1) A consumer may lodge a complaint in writing with the Commission in the form and manner prescribed by the Commission supported by copies of relevant documentation.
- (2) The complaint lodged under subregulation (1) shall provide details of
- (a) the full name and address of the complainant;
 - (b) the full name and address of the respondent;
 - (c) particulars of the nature of the complaint and the relief sought by the complainant; and
 - (d) the nature of harm suffered by the complainant as a result of the negligence of the respondent.
- (3) Despite subregulation (1), the Commission may direct a consumer to lodge a complaint orally where the exigencies require,

Resolution of complaint by a public utility

9. (1) A public utility shall establish procedures for dealing with complaints of its consumers and potential consumers.

(2) A procedure shall not be established and a modification of the procedure shall not be made, unless -:

- a. the public utility has consulted persons or bodies that constitute a fair representation of consumers for whom it provides the service; and
- b. the proposed procedure or modification has been approved by the Board.

(3) A public utility shall publicise the approved procedure in a manner that the Board may require and make copies of the procedure available without charge, to any person who asks for it.

(4) The Board may direct the public utility to review its procedures or the manner in which it operates and make modifications to the procedures.

(5) A public utility shall,

(a) within five days of receipt of a complaint, respond to the complaint by a letter addressed to the complainant; and

(b) resolve the complaint in accordance with the public utility's established procedures for consumer complaints resolution.

(c) Response means a written acknowledgement of receipt of complaint indicating the timeline for resolution of complaint in accordance with the procedures in the Customer Charter of the public utility approved by the Commission.

(6) Despite subregulation (5), where a public utility fails to resolve a complaint lodged by a consumer under this regulation,

(a) that public utility shall refer the complaint to the Commission; or

(b) the consumer may refer the complaint to the Commission.

Service of complaint on respondent

10. (1) The Commission shall, within five working days from the date of receipt of a complaint, serve a copy of the complaint on the respondent.

(2) The respondent shall, within five days from the date of receipt of a complaint or at a later date determined by the Commission, submit a written response in respect of the complaint to the Commission.

(3) The response shall include details of the steps taken by the respondent to resolve the complaint.

Preliminary investigation of complaint

11. (1) The Commission shall, on receipt of a complaint, conduct preliminary investigation into the complaint.

(2) The preliminary investigation may include

(a) site visits;

(b) a request for further information or documentation from the parties to the complaint or any other interested person; and

(c) convening meetings to clarify any issue that may arise and to provide an opportunity for the parties to the complaint or other interested person to be heard.

(3) Following the conduct of a preliminary investigation into a complaint, the Commission may advise the parties to settle the issues in good faith and report to the Commission on the outcome of the settlement.

Mediation of complaint

12. Without limiting regulation 11, the Commission may at any time during or after the conduct of a preliminary investigation, invite the parties to a complaint and conduct a mediation of the complaint in accordance with the Mediation Guidelines of the Commission.

Formal hearing of complaint

13. (1) Where

(a) the parties to a complaint fail to resolve the issues through mediation under regulation 12, or

(b) the Commission is of the opinion that having regard to the nature of the issues in dispute, the complaint cannot be resolved by mediation, the

Commission may conduct a formal hearing of the complaint in accordance with the Formal Hearing Guidelines of the Commission.

(2) The Commission shall publish the fees payable by the parties for a formal hearing of the complaint in

- (a) the Gazette; or
- (b) a daily newspaper of nationwide circulation.

(3) The fees payable under subregulation (2) are in respect of the minimum filing fees and administrative expenses related to the conduct of the formal hearing of the complaint.

Withdrawal of complaint

14. A complainant may withdraw a complaint lodged with the Commission but the withdrawal does not limit the right of a complainant to lodge a new complaint subsequently.

Experts

15. The Commission may engage the services of an expert to assist in the resolution of a complaint under these Regulations.

Consumer Service Committees

Establishment of Consumer Service Committees

16. The Commission may establish a Consumer Service Committee for a geographical area of the country that the Commission considers necessary.

- (2) A Consumer Service Committee shall comprise
 - (a) a chairman;
 - (b) one representative of domestic consumers nominated by
 - (c) one person nominated by organised labour or local industry; and
 - (d) two other persons with knowledge in matters relevant to the functions of the Committee, at least one of whom is a woman.

(3) The Commission shall appoint members of the Consumer Service Committee.

Functions of a Consumer Service Committee

17. The functions of a Consumer Service Committee are
- (a) to keep under review issues affecting the interests of consumers in the geographical area of jurisdiction of the Consumer Service Committee;
 - (b) to educate customers in the geographical area of jurisdiction of the Consumer Service Committee, on rights and responsibilities of consumers including the efficient use and conservation of utility services•
 - (c) to monitor the performance of public utilities in the geographical area of jurisdiction of the Consumer Service Committee;
 - (d) to make representations to, and consult with public utilities on matters that affect consumers in the geographical area of jurisdiction of the Consumer Service Committee;
 - (e) to receive and transmit complaints to the Commission;
 - (f) to liaise with the regional office of the Commission within the geographical area of jurisdiction of the Consumer Service Committee and advise the Commission on matters relating to utility services and consumers in the area;
 - (g) to make recommendations to the Commission for improvement in service delivery to customers in the geographical area of jurisdiction of the Consumer Service Committee; and
 - (h) to perform any other functions incidental to the functions specified under paragraphs (a) to (g) or assigned by the Commission.

(2) A public utility or consumer may make representations to a Consumer Service Committee in respect of utility services in the geographical area of jurisdiction of the Committee.

Terms and conditions of appointment of members of Consumer Service Committee

18. (1) A member of a Consumer Service Committee shall be appointed for a period of four years and is eligible for re-appointment for another term only.

(2) The Commission shall issue guidelines to provide for other terms of appointment and conditions of service of a member of a Consumer Service Committee.

Key Performance Indicators for Service

Key performance indicators for electricity

19. (1) A public utility engaged in the supply of electricity shall comply with the key performance indicators published by the Commission and amended from time to time.

(2) The Commission shall monitor the performance of a public utility engaged in the supply of electricity against the key performance indicators

(3) In addition to the key performance indicators, the Commission shall, as part of the tariff setting of the Commission, stipulate specific tariff benchmarks applicable to that tariff.

(4) The tariff benchmarks referred to in subregulation (3) include the following:

- (a) metering ratio;
- (b) operation and maintenance;
- (c) revenue collection ratio;
- (d) technical and commercial losses; and
- (e) investment.
- (f) quality of electricity and gas delivered

(5) The Commission shall ensure compliance with the key performance indicators and tariff benchmarks specified in this regulation.

Key performance indicators for water

20. (1) A public utility engaged in the supply of water shall comply with the key performance indicators published by the Commission and amended from time to time.

(2) The Commission shall monitor the performance of a public utility engaged in the supply of water against the key performance indicators.

(3) In addition to the key performance indicators, the Commission shall, as part of the tariff setting of the Commission, stipulate specific tariff benchmarks applicable to that tariff.

(4) The tariff benchmarks referred to in subregulation (3) include the following:

- (a) Non Revenue Water targets;
- (b) metering ratio;
- (c) operation and maintenance cost per cubic meter of water;
- (d) revenue collection ratio;
- (e) technical and commercial losses;
- (f) water quality;
- (g) plant utilisation factor; and
- (h) investment.

(5) The Commission shall ensure the compliance with the key performance indicators and tariff benchmarks specified in this regulation.

(6) The key performance indicators prescribed shall apply to the provision of drinking water by tanker services operators and other third party water suppliers.

Key Performance Indicators on consumer Satisfaction

Metering and Billing

Prepayment metering

21 . (1) A public utility which deploys prepayment meters within the network of the public utility shall file with the Commission the following information, in English, in respect of the prepayment metering system:

- (a) the name, type and technical specifications of the prepayment metering system;
- (b) a description of the manner in which energy is purchased and credited;
- (c) the implementation of the tariff structure within the prepayment metering system;
- (d) a sample of receipts or confirmation of purchase of credit;
- (e) the terms and conditions of the service to the customer;
- (f) the location and manner of a prepaid transaction,
- (g) the procedure for converting from
 - (i) a post-paid service to a pre-payment service, and
 - (ii) a pre-payment service to a post-paid service;
- (h) the procedure for refund of a deposit paid and payment of bill deposit;
- (i) the number of years of the summarised record of electric charges that the prepayment metering system can produce;
- (j) a certification that the prepayment metering system meets the minimum requirements specified under these Regulations;
- (k) the manner of recovery of the cost of the prepayment metering system;

(l) the target date for implementation of the prepayment metering system, if new; and

(m) the proposed education programme to inform customers about the prepayment metering system.

(2) Where the prepayment metering system is yet to be deployed, the Commission shall review the information and approve the implementation of the system before the public utility deploys the prepayment meters.

(3) In respect of electricity and natural gas, the public utility shall simultaneously file the information required under subregulation (1) with the Energy Commission.

(4) A prepayment meter intended to be used by a public utility shall

(a) be approved for use by the Ghana Standards Authority; and

(b) subject to the Ghana standards Authority testing and certification requirements that the prepaid meter is an acceptable type as specified by the Commission and Energy Commission.

(5) A prepayment metering system shall be capable of communicating the following to the consumer:

(a) the date and time;

(b) the instantaneous consumption in Ghana Cedis and equivalent service units;

(c) the remaining balance in Ghana Cedis and equivalent service units; and

(d) the consumption for the

(i) previous thirty days, and

(ii) number of days into the next thirty days.

(6) A prepayment metering system shall be capable of inter-operation with different brands of meters and different vending platforms within the system of the public utility.

(7) A prepayment meter deployed by a public utility shall have an average accuracy specified in the First Schedule.

Billing of consumers

22. (1) A public utility shall allow a consumer of a public utility to purchase credit or make deposits in reasonably small increments without discrimination.

(2) A public utility shall provide a mechanism or device to enable a consumer to monitor and manage the rate at which units are consumed and a warning when credit or deposits drops to a specified threshold.

(3) A public utility shall provide a printed receipt or other confirmation of each purchase transaction made by the consumer.

(4) A receipt issued under subregulation (3) shall indicate the following:

- (a) the name and contact details of the public utility;
- (b) Customer name and class;
- (c) the receipt number;
- (d) the date and time of transaction;
- (e) the meter identification number;
- (f) Service Point Number;
- (g) the amount of credit purchased or deposited in Ghana Cedis and equivalent service units;
- (h) the applicable charges and levies;
- (i) the number of transactions made in the same month: and
- (j) the previous month consumption.

(5) A public utility shall keep a record of the summary of purchases of credit for two preceding years in respect of each customer.

(6) A public utility shall, within five days of receipt of a request by a customer, furnish the customer with a statement showing the summary of purchases and the corresponding dates, charges and payments for the period covered by the summary.

Separate prepayment meter

23. (1) A public utility shall install a separate meter on the premises of a customer where

- (a) the customer who requests the separate meter is a distinct household and shares a prepaid meter with another household;
- (b) the total consumption of electricity by the households which share a prepaid meter exceeds four hundred kilowatt hours per month or as determined by the Commission;
- (c) the total consumption of water by the household exceeds five cubic meter per month or as determined by the Commission
- (d) facilities exist on the premises for the public utility to install the separate prepaid meter at a cost to the customer; or
- (d) the customer who requested the separate meter has made the necessary modifications to the wiring system in accordance with existing law to accommodate the separate meter.

Provision to be made for water

Disconnection

Disconnection of service

24. (1) Subject to these Regulations, a public utility may disconnect the service that the public utility provides to a consumer, where the consumer

- (a) fails to pay for the bills for the service used for more than fourteen days from the date of demand of payment;
- (b) defaults on an agreed payment schedule for the service or installation of the service;

- (c) tampers or interferes with a meter or a public utility equipment or permits any person to tamper or interfere with an installation or equipment of the public utility;
- (d) illegally connects the service or allows the service to be used in a manner as to interfere with the supply of the service to others;
- (e) uses a service which was legally connected in an unauthorised manner;
- (f) refuses to allow an employee or an agent of a public utility to read a meter or check utility equipment when the employee or agent has followed the prescribed procedures for obtaining access; or
- (g) contravenes any enactment relating to the provision of a service.
- (h) “unauthorized use “ means

(2) A public utility may disconnect a service provided to a consumer without notice where

- (a) any part of the apparatus or equipment connected with the supply to the premises of that consumer becomes defective or unsafe, and
- (b) the disconnection is required for maintenance or repairs.

(3) A public utility shall not disconnect the service to a consumer where

- (a) the consumer has
 - (i) lodged a complaint with the public utility or the Commission in respect of a disputed bill; and
 - (ii) paid or continues to pay a reasonable amount; or

- (b) an unpaid bill is in the name of a previous occupant or owner of the premises and the current occupant of the premises did not use the service billed.
- (4) Except as otherwise provided in these Regulations, a public utility shall not discontinue service to a consumer unless that public utility gives the consumer a written notice of disconnection at least seven days before the date for disconnection of service.
- (5) Despite subregulation (4), a public utility may disconnect a service without notice if the public utility finds that the service is being obtained by the consumer illegally or through equipment which has been tampered with.
- (6) A notice to disconnect service on the consumer's bill shall be in a manner approved by the Commission.
- (7) Despite subregulation (2), the Commission may order the public utility to reconnect the service where the Commission is satisfied that the circumstances necessitate reconnection.

Wrongful disconnection of service

25. (1) A disconnection of service is wrongful, if the disconnection contravenes these Regulations.

(2) For purposes of subregulation (1), wrongful disconnection includes

- (a) the inability of the consumer to reload a prepayment card which is not due to the fault of the consumer;
- (b) the blocking of a prepayment card by a public utility without just cause; and
- (c) the disconnection of a service by a public utility without just cause.

Times for disconnection of service

26. (1) Subject to these Regulations, a public utility may disconnect a service to a consumer only between the hours of 8.00.am to 5.00 pm from Monday to Thursday.

(2) Despite subregulation (1), a public utility may disconnect a service between the hours of 8.00 a.m. to 5.00 p.m. on a Friday if the public utility has the facilities for reconnection on the following Saturday.

(3) Despite subregulation (1), a public utility shall not undertake a disconnection of service

- (a) on the eve of a public holiday or on a public holiday;
- (b) at a time when the public utility is aware or ought to be aware that there is an issue of safety to people, animals or property; or
- (c) during emergency situations on or related to the premises of the consumer,

Disconnection of specified persons

27. (1) Despite any provision in these Regulations to the contrary, the following procedure applies to the disconnection of service to persons specified in paragraph (a):

(a) where there is failure to pay a utility bill by a customer and the public utility is aware that the customer is

(i) sixty years or above, or

(ii) disabled and

the public utility shall take all necessary steps to agree on a payment schedule with the customer for the outstanding amount;

(b) where an agreement cannot be reached under paragraph (a)) the public utility shall continue to provide the service for a further period of thirty days after the date of any scheduled disconnection;

(c) the public utility shall, at the end of the thirty day extension in paragraph (b), serve written notice on the customer or occupier of the premises and wait for at least seven days before disconnecting the service.

(2) Where there is failure to pay a utility bill and a qualified medical practitioner issues a certificate that a medical emergency exists at the premises which will be aggravated by the lack of a utility service, the public utility shall continue to provide the service for thirty days from the date of any scheduled disconnections.

(3) A certificate issued under subregulation (2) may be renewed for an additional thirty days if the qualified medical practitioner explains why the lack of service would aggravate the medical emergency and the consumer has sufficiently demonstrated an inability to pay the utility bill.

(4) The public utility shall, at the end of the first thirty days or the renewal period, serve written notice on the owner or occupier of the premises and wait at least seven days before the disconnection of the service.

Disconnection from electric pole or service mains

28. (1) A public utility shall not disconnect the service that that public utility provides to a consumer from the electric pole or service mains from which the service is supplied to the premises of the consumer, unless the consumer

- (a) illegally connects the service or allows the service to be used in a manner that will interfere with supply of the service to others;
- (b) tampers or interferes with a meter or public utility equipment or permits a person to damage a utility installation or equipment;
- (c) uses a service which was legally connected in an unauthorised manner;
or
- (d) refuses to allow a public utility employee or agent to read a meter or check utility equipment after repeated attempts by the employee or agent to read the meter or check the utility equipment.

(2) Despite subregulation (1), where a consumer is liable for disconnection but prevents officials of the public utility from disconnecting the service, the public utility may disconnect the service from the electric pole after serving written notice of the disconnection on the consumer.

Disconnection of specified institutions

29. (1) Where there is failure to pay a utility bill and the premises is used as a hospital, health or elderly care facility or residential education facility, the public utility shall contact the consumer and endeavour to agree on a payment schedule with the consumer.

(2) Where an arrangement cannot be reached under subregulation (1), the public utility shall continue to provide the service for thirty days from the date of any scheduled disconnection.

(3) The public utility shall, at the end of the thirty day period, serve written notice on a principal officer of the institution seven days before disconnecting the service.

Reconnection

Reconnection of service

30. (1) Where a public utility disconnects a service to a consumer for non-payment of bills, the public utility shall reconnect the service

(a) within twenty-four hours after the payment of

- (i) the full amount owed;
- (ii) the reconnection charges; and
- (iii) other lawful charges related to the service; or

(b) in the case of electricity, in accordance with the Electricity Supply and Distribution (Technical and Operational) Rules, 2005 (L.1 1816).

(2) Where a consumer enters into a payment agreement with the public utility for the payment of outstanding bills, the public utility shall reconnect the service within twenty-four hours of the consumer signing the payment agreement and making the required down payment.

(3) Where the service was disconnected due to a contravention of a provision of these Regulations by the consumer, the public utility concerned shall, after the public utility receives appropriate evidence that the violation has been corrected, reconnect the service within twenty-four hours after the consumer makes the request.

(4) Where the service is disconnected under subregulation (3), the public utility shall

- (a) reconnect the service within twenty-four hours of rectifying the defect or conducting the required maintenance or repairs; or
- (b) if circumstances beyond the control of the public utility, prevent a required reconnection, restore the service within twenty-four hours after the circumstances cease to exist.

Order by Commission for reconnection of service

31. The Commission may order for the reconnection of a service by a public utility, if
- (a) the service was disconnected in error; or
 - (b) a complaint has been filed and any undisputed billing has been paid.

Enforcement and Sanctions

Sanctions against consumer

32. Where a consumer contravenes a provision of these Regulations , that public utility may
- (a) in the case of an applicant for a new connection, refuse to connect the applicant to the distribution system;
 - (b) in the case of a consumer already connected to the network of the public utility, disconnect service supply to the consumer;
 - (c) in the case of an illegal connection, impose a penalty which is approved by the Commission;
 - (d) demand that the customer pay an advance deposit before service is given; or
 - (e) publish a list of debtors subject to the obligation of the public utility to reconcile accounts before publication.

Sanctions against public utility

33. (1) Where a public utility contravenes a provision of these Regulations in relation to the public utility, the Commission may order a public utility to pay a reasonable compensation to a consumer for the contravention.

(2) The compensation under subregulation (1) shall be commensurate with the loss or damage suffered by the consumer.

Exceptions to compensation payments

34. (1) A public utility is exempted from the payment of compensation to a consumer under these Regulations where the breach of duty in respect of which compensation is payable, occurred as a result of any of the following circumstances:

- (a) severe weather conditions;
- (b) inability to gain access to the premises of the consumer;
- (c) industrial action by employees of the public utility, subject to the Labour Act, 2003 (Act 651),
- (d) a frivolous or vexatious complaint,
- (f) the breach of an enactment if the supplier took the action; or
- (g) the failure by the consumer to pay a charge required to be paid before an action was taken.

(2) Despite subregulation (1), the Commission may in addition issue orders to secure compliance.

Enforcement by Commission

35. (1) The enforcement of these Regulations by the Commission shall be in accordance with the guidelines issued by the Commission.

(2) The imposition of an enforcement action does not

- (a) limit the right to any other remedy at law which may be available to a complainant; and
- (b) preclude the Commission from taking any other measure or imposing any other sanction that the Commission considers necessary in respect of the act or omission that constitutes the breach.

Regulatory charges for non-compliance

36. Where a public utility contravenes any provision of these Regulations or a directive or order of the Commission, the Commission may impose a regulatory charge as specified in the Fourth Schedule on the public utility.

Enforcement of decision of Commission by court

37. In furtherance of section 32 of the Act, the Commission may apply to the High Court for the enforcement of the decision or direction of the Commission.

Miscellaneous Provisions

Reporting requirements

38. A public utility shall

- (a) maintain records of the performance of that public utility against the key performance indicators and tariff benchmarks specified in these Regulations; and
- (b) as part of the reporting obligations to the Commission, provide information on the performance of the public utility against the key performance indicators in the form specified by the Commission.

Reporting standards

39 (1) A public utility shall submit to the Commission separate technical and financial reports containing proper records of the performance of the utility over that relevant period.

(2) The contents of reports submitted under subregulation (1) shall, where applicable, include

- (a) the system average interruption frequency index;
- (b) the system average interruption duration index;
- (c) the customer average interruption duration index; and
- (d) water.

(3) A report required to be submitted under subregulation (1) shall be submitted as follows:

- (a) a quarterly technical report shall be submitted within one month after the end of each quarter;

- (b) a quarterly financial report shall be submitted within two months after the end of each quarter; and
- (c) an annual technical and financial report shall be submitted within three months after the end of each operational year.

(4) Where the public utility which provides electricity or natural gas services, the public utility shall, simultaneously, submit the reports under subregulation (1) to the Energy Commission.

(5) A public utility shall develop and file with the Commission, an emergency response plan of the public utility.

(6) A public utility shall review the emergency response plan every five years or upon the occurrence of significant changes affecting the sector or in the system of the public

(7) A public utility who fails to submit reports in the manner specified in this regulation shall pay to the Commission an administrative penalty of..... penalty units.

Interpretation

40. In these Regulations, unless the context otherwise requires,

"bacteriological water quality" means the number of bacteriological tests carried out and tests results within the national standards for drinking water;

"client contact time" means the response time to a complaint or request by a customer;

"customer" means a person that contracts for a utility service;

"illegal connection" includes meter by-pass, meter tampering and use of inline pumps;

"hours of supply" means the time of supplying water at connections and the opening hours of public stand pipes and kiosks;

"metered connections per year" means the number of new service connections made in a year;

"metering ratio" means the percentage of customers' connections metered;

"non-revenue water" means the ratio of volume of water billed to the volume of water produced;

"pipe leakage repair" means the time taken to repair a pipe leakage;

"physical and chemical requirements for water quality" means the number of chlorine residual tests carried out and tests results within the national standards for drinking water;

"pressure" means the water supply pressure of network at service connection

"reasonable amount" means

- (a) where service has been provided for a period of twelve months or more, the amount based on average units used by the consumer over the previous twelve months;
- (b) where service has been provided for less than a period of twelve months, the amount based on the average units used by the consumer for the period the service was provided; or
- (c) where the service is new, the amount based on sixty per cent of the units used or estimate units used;

"revenue collection efficiency" means the ratio of revenue collected to the billed revenue within a period;

"service line length" means the maximum allowable length between meter and distribution mains of a consumer;

"staff productivity" means the number of staff per one thousand connections;

"unit operational cost of water" means the operational and maintenance cost per cubic meter of water produced;

"volume of water per year" means the volume of water in cubic meters produced in a year;

"water coverage or coverage of service area" means the percentage of population with drinking water, including individual connections and public

distribution systems, stand pipes and kiosks, within the operational area of a public utility; and

"water treatment plant availability" means the amount of time that a water treatment plant is able to produce water over a certain period, divided by the amount of the time in the period.

Revocation

41 . The following Legislative Instruments are revoked:

- (a) Public Utilities (Termination of Service) Regulations, 1990, (L.I. 1651);
- (b) Public Utilities (Complaints Procedure) Regulations, 1999 (L.I. 1665);
- (c) Public Utilities (Consumer Service Committee) Regulations, 2002 (L.I. 1704); and
- (d) Public Utilities (Termination of Service) (Amendment) Regulations, 2010 (L.I.1964).

FIRSTSCHEDULE

(regulation 21 (7))

Average accuracy of prepayment meter

1. A prepayment meter deployed by a public utility shall have an average accuracy of as close as possible to the condition of zero error before being placed in service.
2. The tolerance limit of plus or minus one half per cent ($\pm 0.5\%$) is fixed to allow the necessary variations.
3. The average error of plus or minus two per cent ($\pm 2\%$) is fixed as the allowable tolerance for prepayment meter in service; provided, that the error at any test load points that is light load and full load does not exceed plus or minus three percent ($\pm 3\%$).

DRAFT

FOURTH SCHEDULE (regulation 36)

Regulatory charges

Category		Penalty Units
1. Compensation payable to consumer		
	Residential	10
	Non-residential	20
	Commercial	40
	Industrial	100
2. Regulatory Charge : Payable to the Commission		
	Distribution service	3,000
	Transmission service	4,000
	Retail service	4,000

Michael Opam
Chairperson of the Commission