



PUBLIC UTILITIES REGULATORY COMMISSION



Guidelines Issued Under the **Public Utilities Regulatory Commission (Consumer Service) Regulations, 2020 (L.I. 2413)**



March 2022

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PURPOSE

The Public Utilities Regulatory Commission is an independent statutory body established under the Public Utilities Regulatory Commission Act, 1997, (Act 538) to regulate and oversee the provision of utility services in the country.

The guidelines contained in this publication are issued by the Commission as a requirement under the Public Utilities Regulatory Commission (Consumer Service) Regulations of 2020 (LI 2413). These guidelines are the outcome of a comprehensive review of the Commission's processes since its inception, and are aimed at simplifying our methods for the benefit of employees of the Commission, regulated utility companies and users of the Commission's services.

CONTENT AND STRUCTURE

The document is arranged as follows:

- CHAPTER 1 - Guidelines for the Establishment and Operation of Consumer Service Committees
- CHAPTER 2 - Guidelines for Restoration of Water Supply Following Interruption for Maintenance, Repairs or Safety Works
- CHAPTER 3 - Guidelines for Commission Review of Utility Denial of Access to Service
- CHAPTER 4 - Guidelines for Settlement of Complaints & Disputes
- CHAPTER 5 - Guidelines for Compliance & Enforcement

EFFECTIVE DATE, REVIEW AND AMENDMENTS

The Commission reserves the right to review the guidelines periodically, in consultation with stakeholders where required.

Amendments to the guidelines may be made only with the approval of the Commission.

Approved by the Commission on the 12 Day of December, 2022

Signed Ebo B. Quagraine Signed Dr. Ishmael Ackah
Mr. Ebo B. Quagraine Dr. Ishmael Ackah
Chairman, PURC Executive Secretary, PURC

CHAPTER 1

GUIDELINES FOR THE ESTABLISHMENT AND OPERATION OF CONSUMER SERVICE COMMITTEES

1. Introduction

Section 31 of the Public Utilities Regulatory Commission Act, 1997 (Act 538) mandates the Commission to establish Consumer Service Committees in geographical areas of the country that the Commission considers necessary.

As required by the Act, the Public Utilities Regulatory Commission (Consumer Service) Regulations, 2020 (LI 2413) was passed to, among others, prescribe the membership and functions of Consumer Service Committees established by the Commission.

These Guidelines are issued by the Commission to facilitate the implementation of administrative processes and operations of the Consumer Service Committees ("Committees") in accordance with law, to safeguard the integrity and effectiveness of the Committees.

2. Establishment of Consumer Service Committee

2.1 The establishment of a Committee in a geographical area shall be upon a decision by the Executive Secretary as approved by the Commission.

2.2 The Relevant Regional Office of the Commission shall provide all logistic support and oversight for the successful establishment and operation of its affiliated Committee.

3. Composition of Committee

A Committee shall comprise the following persons appointed by the Commission

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

4. Membership Eligibility Criteria

In addition to the qualification prescribed for the composition of a Committee in paragraph 3 of these Guidelines, a member of a Committee shall be:

- (a) resident in the locality in which a Committee is operational;
- (b) a person of good reputation and proven integrity who is well-regarded in the community; and
- (c) community-minded and able to work effectively with others in a team.

5. Functions of a Committee

5.1. The functions of a Committee within the geographical area of that Committee are to keep under review issues affecting the interests of consumers;

- (a) educate consumers on the rights and responsibilities of the consumers including the efficient use of services;
- (b) make representations to, and consult with public utilities on matters that affect consumers;
- (c) receive and transmit complaints to the Commission;
- (d) liaise with the relevant regional office of the Commission and advise the Commission on matters relating to services and consumers;
- (e) make recommendations to the Commission for improvement in service delivery to consumers; and
- (f) perform any other function assigned by the Commission.

5.2 A public utility or consumer may make representations to a Committee in respect of services in the geographical area of the Committee.

6. Mandate of a Committee

- 6.1** The mandate of a Committee shall be as prescribed in the Committee's functions under paragraph 5 of these Guidelines.
- 6.2** A Committee has no mandate in matters before a court; or before the Commission except if the Commission determines otherwise.
- 6.3** A Committee's area of operation shall be limited to the District where the Committee is situated and members of a Committee cannot extend the scope of influence of the Committee to other localities or geographical areas.
- 6.4** The Commission reserves the right to modify the mandate or area of operation of a Committee as and when necessary.

7. Tenure of Office of Members of Committees

- 7.1** A member of a Committee shall hold office for a period of four years and is eligible for re-appointment for another term only.
- 7.2** The Commission reserves the right to dissolve a Committee upon the establishment of a Regional Office in the same geographical area where a Committee operates, or where the Commission deems it necessary for the effective running of its operations.

8. Terms and Conditions of Service of Members

- 8.1** A member of a Committee is not an employee of the Commission and can therefore not act on behalf of the Commission except in the discharge of the Committee's functions.
- 8.2** Membership of a Committee is voluntary and shall not attract remuneration.
- 8.3** Despite paragraph 8.2, reasonable reimbursable costs and allowances of a Committee as determined by the Commission shall be paid by the Commission in accordance with these Guidelines.
- 8.4** A member of a Committee shall comply with the Commission's directives and

Code of Ethics.

9. Resignation or Removal from Office

- 9.1** A member of a Committee may resign from the Committee by letter addressed to the Executive Secretary giving a minimum of one month's notice prior to the effective date of resignation.
- 9.2** A member who is absent from three consecutive meetings of the Committee without sufficient cause shall cease to be a member.
- 9.3** A member who relocates from the locality of a Committee shall cease to be a member of the Committee.
- 9.4** The Executive Secretary may remove a member of a Committee from office for inability to perform the functions as a Member, for stated misbehaviour or for any other just reason.
- 9.5** A member who misappropriates funds of a Committee shall be removed from the Committee.
- 9.6** A member who assumes an elective political office or who engages actively in local or national political activities shall cease to be a member of a Committee.

10. Facilities and Logistics of a Committee

Office space and facilities that a Committee may reasonably require for the performance of its functions shall be provided by the Commission with the assistance of the District Assembly where a Committee operates.

11. Oversight of Committees

- 11.1** A Committee is expected to report to its Related Regional Office on all matters relating to the operations of the Committee.
- 11.2** The Related Regional Office is responsible for:
 - (a) Approval of work plans for the Committee;
 - (b) Disbursement of funds approved by the Commission;

- (c) Provision of logistics for the work of the Committee;
- (d) Receipt of reports of the Committee;
- (e) Monitoring activities of the Committee; and
- (f) Reporting all matters affecting the work of the Committee to the Consumer Service Committee Coordinator.

12. Coordination of Activities of Consumer Service Committee

12.1 With the approval of the Executive Secretary, the Director, Regional Operations shall task an employee of the Directorate as a Consumer Service Committee Coordinator to oversee the activities of all Committees.

12.2 In overseeing the activities of the Committees, the Coordinator's functions shall include the following:

- (a) Assist the Director of Regional Operations in the development of strategic plans and budget for the work of the Committees
- (b) Assist the Director of Regional Operations in the development and review of Standard Operating Procedures for Committees
- (c) Participate in activities of Committees as and when necessary.
- (d) Propose capacity building sessions for members of a Committee.
- (e) Evaluate performance of a Committee

12.3 The budget, activities and reports of Committees shall form part of the overall activities and budget of the Commission's Directorate responsible for Regional Operations.

13. Annual Work Plan of a Committee

By the 30th day of October of each year, the Chairman of a Committee shall in consultation with members submit an annual work plan of the Committee for the ensuing year to the Related Regional Office, which may modify it

as directed by the Coordinator for approval by the Executive Secretary.

14. Funds of Committee

14.1 The Commission shall provide funds for the approved work plan of a Committee through the Related Regional Office.

14.2 A Committee shall not incur any expenditure without prior approval of the Commission. Before embarking on any activity on its work plan, a Committee shall submit a request with a budget to the Related Regional Office.

14.3 All requests and budgets shall be approved by the Executive Secretary prior to release of funds by the Related Regional Office.

14.4 Funds for the work of the committee shall be signed for by any two of the following:

- (a) The Chairman;
- (b) Secretary; and
- (c) Organising Secretary

14.5 The Chairman of the Committee shall ensure that returns are filed with the Related Regional Office within ten working days after an activity.

15. Meetings of Committee

15.1 The Chairman of a Committee shall convene a regular meeting of the Committee at least once every month.

15.2 The Chairman of a Committee, with the approval of the Related Regional Office shall convene a special meeting of the Committee upon the request of at least two members to deliberate on urgent matters which cannot be deferred to the next regular meeting.

15.3 The quorum at a meeting of a Committee is three members.

15.4 The Chairperson shall preside at meetings of a Committee but in the absence of the Chairperson a member elected by the members present from among their number shall preside.

15.5 A Committee may co-opt a person to advise at its meetings but the co-opted person shall not vote at the meeting.

15.6 Matters before a Committee shall be determined by a majority vote but in the event of an equal number of votes the Chairperson or person presiding shall have a casting vote.

15.7 At the end of discussion of all issues on the agenda the Chairperson shall call for a motion to close the meeting.

15.8 The Chairperson in consultation with members shall confirm the date for the next meeting or fix another date as convenient.

16. Secretary to a Committee

16.1 The members of a Committee shall appoint a Secretary to the Committee from among their own number at the first meeting of the Committee.

16.2 The responsibilities of the Secretary include to:

- (a) Issue notice of meetings in consultation with the Chairperson of the Committee;
- (b) Take minutes of meetings of the Committee; and
- (c) Efficiently maintain and keep records of the Committee including papers presented or discussed at meetings.

17. Organising Secretary to a Committee

17.1 The members of a Committee shall appoint an Organising Secretary to the Committee from among their own number at the first meeting of the Committee.

17.2 The Organising Secretary position shall be rotated annually among the members but shall not be applicable to the Chairman and Secretary.

17.3 The responsibilities of the Organising Secretary include to:

- (a) ensure proper execution of all activities of the Committee; and

- (b) perform duties as directed by the Chairman

18. Record Keeping

The keeping of records by a Committee shall be as directed by the Commission, in line with Public Records And Archives Administration requirements and the records shall be open to inspection by any person authorised by the Commission.

19. Reports

The Chairperson of a Committee shall submit to its Related Regional Office:

- (a) a quarterly report of the work of the Committee which shall include expenditure of the quarter within the first week of the ensuing quarter; and
- (b) an annual report on the activities of the Committee which shall include expenditure and returns of the Committee within each year by the 31st December of the relevant year.

20. Conflict of Interest

20.1 A member of a Committee shall not be an employee of any of the public utilities regulated by the Commission.

20.2 A member who has a contractual relationship with a regulated public utility or potential conflict with the public utility shall disclose it to the Commission. A member who fails to do so shall cease to be a member of a Committee.

20.3 A member shall not accept any gift from an official of a public utility. This does not apply to souvenir items such as dairies and calendars.

20.4 A member shall not engage in any activity or action which may conflict or appear to conflict with the performance of the duties of the member.

20.5 A member shall disclose in writing any attempt at influencing the member to the Commission. A member who fails to do so shall cease to be a member of the Committee.

21. Discipline

21.1 The Commission reserves the right to remove a member from a Committee for stated misbehaviour or misconduct.

21.2 Notwithstanding the provisions of paragraph 21.1 the Commission may suspend, warn, or reprimand a member for any misconduct which in the opinion of the Commission is not grave enough to warrant removal.

21.3 The following shall constitute misconduct:

- (a) Inefficiency;
- (b) Investigation or conviction for a criminal offence;
- (c) Coercion, intimidation or threatening of Committee members, employees of the Commission, employees of a public utility or a member of the general public;
- (d) Use of insulting or offensive language against Committee members, employees of the Commission, employees of a public utility or a member of the general public
- (e) Dishonesty including falsification of records and fraud
- (f) Drunkenness
- (g) Breach of confidentiality
- (h) Failure to disclose a potential or actual conflict of interest situation.

22. Limitation on Political Activities

22.1 The activities of a Committee are to be devoid of all political influences.

22.2 A Member shall not be actively involved in party politics and shall not be known as a political activist in the Member's community.

23. Privacy and Confidentiality

A Member shall not disclose to any person any information acquired in the course of the performance of the duties of the Member unless

- (a) authorized by the Commission;
- (b) required to resolve a complaint;
- (c) required to comply with Applicable law.

24. Delegation

24.1 A Committee shall not delegate any of its functions to any person or body unless expressly authorised by the Commission.

24.2 Any delegated function shall be performed strictly in accordance with the authorisation given.

25. Capacity Building

25.1 The Commission shall organise an orientation session for Members of a Committee within 30 days of the inauguration of the Committee. As part of the orientation, copies of these guidelines and relevant documentation for the effective performance of the functions of the Committee shall be provided to each member.

25.2 The Commission shall organize periodic training programmes on utility regulation and consumer issues to enable the Members discharge their functions effectively.

25.3 Attendance of such training programmes is compulsory for all members of a Committee.

25.4 Nevertheless, a member who for good reason is unable to attend a training programme shall communicate it in writing to the Commission at least two days prior to the scheduled training programme.

26. Best Interests of Commission

A Member of a Committee is to act in the best interests of the Commission and shall desist from acting in any manner which may embarrass the Commission or bring the Commission's name into disrepute.

27. Interpretation

In these Guidelines unless the context otherwise requires:

"District Assembly" means the District Assembly within the local governance structure

of Ghana;

“Commission” means Public Utilities Regulatory Commission;

“Committee” means a Consumer Service Committee of the Commission;

“Consumer Service Coordinator” means an employee of the Commission not below the rank of Senior Manager;

“Member” includes the Chairperson of a Committee;

“Public Utility” means any person engaged in the provision for a fee, whether directly or indirectly, of any of the following services to the public -

- (a) the supply, transmission or distribution of electricity;

- (b) the supply, transmission or distribution of water;

- (c) other public utility services excluding a service involving or related to a petroleum product, that the Commission shall by legislative instrument prescribe on recommendation of the Minister with responsibility for the service”;

“Related Regional Office” means The Regional Office of the Commission with oversight responsibility of a Committee; and

“Service” includes the supplying or furnishing of any commodity derived directly from the business in which a public utility is engaged to the consumer and the placing at the disposal of the consumer the facilities employed in or connected with the supply of that commodity.

CHAPTER 2

GUIDELINES FOR RESTORATION OF WATER SUPPLY FOLLOWING INTERRUPTION FOR MAINTENANCE, REPAIRS OR SAFETY WORKS

1. Introduction

In accordance with Regulation 42(b) of the Public Utilities Regulatory Commission (Consumer Service) Regulations, 2020 (LI 2413), these Guidelines are issued to govern procedures and time frames for reconnection or restoration of water supply following maintenance, repairs or safety works by water public utilities.

The application of these guidelines will enable the Commission assess the level of water service delivery to consumers, thereby ensuring continuous improvements in the urban water delivery system.

2. Procedures for Interruption of Water Supply

Where a public utility engaged in the production, transmission or distribution of water to urban areas intends to interrupt supply for planned maintenance, repair works or for safety reasons, it shall adhere to the following procedures:

2.1 Planned Interruption

2.1.1 A public utility shall issue a notice of interruption to the Commission not less than ten days prior to the date of planned interruption.

2.1.2 The notice shall be in the form specified by the Commission in the Schedule to these Guidelines.

2.1.3 The Commission shall respond to the notice within three working days of receipt of the notification.

2.1.4 Where the Commission raises no objection to the notification, the utility shall issue notices to affected consumers through appropriate media platforms, including radio, email and SMS at least three days prior to the date of interruption.

2.1.5 Where the days of the planned interruption coincide with a water rationing schedule

within a locality, the utility shall ensure adequate supply of water to the locality one day prior to, and one day after, the works to mitigate the impact of the interruption on consumers.

2.1.6 The utility shall complete the works within the approved stipulated time.

2.2 Unplanned Interruption

2.2.1 In the case of interruption of supply for unplanned works, such as pipe bursts, pipe leakages, safety issues and prolonged power outages affecting water supply amongst others, a utility shall issue notices to the Commission and the affected communities.

2.2.2 The notices shall employ effective media platforms including mobile loud speakers, telephones, local media channels, social media and emails as appropriate.

3. Disconnection for Other Reasons

Disconnection of service for all other reasons shall be in accordance with Regulation 37 of LI 2413.

4. Restoration of Water Supply to Consumers after Maintenance, Repairs or Safety Works.

Following interruption of supply for maintenance, repair works or for safety reasons, a utility shall restore supply as provided below:

4.1 Production

In case of works that require shutdown of a utility treatment plant, booster station, borehole system or bulk storage facilities, a utility shall restore supply within

- (a) Seventy-two (72 hours) of completion of works in the case of treatment plants; and

¹Regulation 37(4) (e, f, and g) permit a utility to disconnect a consumer from the service mains without notice for reasons of safety, maintenance or emergency. However, a utility shall give notice in accordance with paragraph 2.1 of these Guidelines where the works are planned.

- (b) Forty-eight hours (48 hours) of completion of works in the case of booster stations, borehole systems and bulk storage facilities.

4.2 Transmission

In case of works on a transmission system, a utility shall restore supply within

- (a) Seventy-two (72 hours) of completion of works in the case of pipelines of $\geq 16''$ diameter; and
- (b) Forty-eight hours (48 hours) of completion of works in the case of pipelines of 8''- 16'' diameter.

4.3 Distribution

In case of works on a distribution system of 2''- 6'' pipeline diameter, a utility shall restore supply within twenty-four (24 hours) of completion of works.

4.4 Service lines

In case of works on a service line before the customer meter, a utility shall restore supply within six (6 hours) of completion of works.

4.5 Safety of product

In case of works to resolve poor quality of water in the production, transmission or distribution system, a utility shall restore supply within twenty-four (24 hours) of completion of works.

4.6 Natural Disaster

Where the works are due to a fault caused by a natural disaster, restoration of supply shall be in accordance with the utility's Emergency Response Plan approved by the Commission.

5. Reports to the Commission

A utility shall, as part of its annual reports to the Commission, submit a report on all interruptions for maintenance, repair or safety. The report shall include:

- (a) Maintenance schedule for water systems operated by the utility;
- (b) A map of all major distribution valves within the utility's distribution network; and
- (c) Details of annual water rationing program where applicable.

6. Interpretation

In these Guidelines unless the context otherwise requires:

"Distribution" or "Secondary Pipelines" means pipelines which convey water from the service reservoirs or booster stations into the water supply distribution network. These are usually in 150mm (6'') to 200mm (8'') diameter. As much as possible, no service connections should be carried out on these except in special cases.

"Maintenance" means regular inspection, servicing, repair of equipment and structures to preserve assets and minimize breakdowns in the water supply system.

"Production" means all steps in the water treatment process to treat water for consumption.

"Restoration of supply" means a time frame within which water starts flowing in the consumer's premises after interruption due to maintenance, repairs or safety reasons.

"Safety (Safety of water product)" means treated water that meets the applicable Ghana Drinking Water Quality Standards set by the Ghana Standards Authority (water that is free from pathogenic agents, free from harmful chemical substances, pleasant to taste, colourless and odourless)

"Transmission" or Primary pipelines means major pipelines which convey water from the headworks or pumping stations to a reservoir, usually in sizes of 200mm (8'') diameter and above. These are high-pressure pipelines and should not be used for service connections .

"Treated water" means water that undergoes processing for human consumption.

"Water supply system" means all parts of the supply chain that includes catchment areas, buildings, machinery, mechanical appliances, reservoirs, tanks, meters, valves, pumps, and all structures or appliances used for storage, conveyance, distribution, control or measurement of water owned by the Water Utility.

²Transmission and Distribution definitions quoted from: Water Supply for the Consumer. A Concise Practical Guide/ 2nd Edition by Matthew Adombire.

SCHEDULE



**PUBLIC UTILITIES REGULATORY COMMISSION
MAINTENANCE/REPAIRS NOTIFICATION FORM FOR WATER UTILITY**

Name of Utility: _____ Date of Notice: _____

- Type of Facility:
- | | | | |
|--------------------|--------------------------|----------------------------|--------------------------|
| 1. Treatment Plant | <input type="checkbox"/> | 2. Borehole System | <input type="checkbox"/> |
| 3. Bulk Storage | <input type="checkbox"/> | 4. Transmission | <input type="checkbox"/> |
| 5. Distribution | <input type="checkbox"/> | 6. Safety of Product water | <input type="checkbox"/> |
| 7. Other | <input type="checkbox"/> | | |

Name of Facility: _____

Region: _____ District: _____

Locality: _____

Description of works: _____

Planned Date for Interruption of Supply: _____

Reasons: _____

Affected areas: _____

Estimated number of consumers to be affected: _____

Expected date of Commencement of Works: _____

Expected date of Completion of Works: _____

Expected date of Restoration of Supply: _____ Time: _____

Signature: _____ Date ____/____/____

PURC Response: No Objection _____ Please defer _____

Reasons for deferment: _____

CHAPTER 3

GUIDELINES FOR COMMISSION REVIEW OF UTILITY DENIAL OF ACCESS TO SERVICE

1. Introduction

In accordance with Regulation 3(4) of the Public Utilities Regulatory Commission (Consumer Service) Regulations (LI 2413), these guidelines prescribe the Commission’s procedure for its review of instances where a public utility denies a consumer’s right of access to service.

Denial of access may be brought to the notice of Commission either through a consumer complaint or through the Commission’s own monitoring, and in either case these guidelines provide a timely review procedure by which the Commission will ensure that a utility’s reasons for denial of access to service are fair, reasonable and non-discriminatory.

2. Consumer Complaint on Denial of Access to Utility Service

- 2.1 A consumer denied access to service by a public utility may lodge a complaint with the Commission attaching copies of any relevant documents.
- 2.2 The Commission shall review the reasons given by the utility to the consumer for the denial of service and investigate the complaint.
- 2.3 The Commission may request the utility to provide further clarification or documents supporting the utility’s position.
- 2.4 Where the Commission is satisfied with the reasons provided by the utility, the Commission shall officially inform the complainant and terminate the complaint.
- 2.5 Where the Commission finds the utility’s reasons or action unjustified, it shall invite the parties to a review meeting for an amicable resolution of the complaint.
- 2.6 The agreement reached at the review meeting shall be documented for implementation within the time frame provided in the agreement.
- 2.7 Where the parties fail to reach an agreement at the review meeting, the Executive Secretary of the Commission

shall assess the situation and take a decision upon legal advice.

3. Commission Monitoring of Utility Denial of Access

- 3.1 As part of the Commission’s monitoring of District Offices and Customer Service Centers of public utilities, a DO shall request the utility to provide documentation on cases of denial of access to service within the monitoring period.
- 3.2 The DO shall review each case noting the reasons assigned by the public utility for denial of access.
- 3.3 Where the DO is not satisfied with the reasons assigned by the public utility, the Commission shall request further clarification from the utility.
- 3.4 Where the clarification provided by the public utility are deemed unsatisfactory, the DO shall escalate a report to the Executive Secretary for assessment and a decision upon legal advice.

4. Records to be Maintained by Utility

By these guidelines a public utility is required to document all reasons for denial of access to a consumer in accordance with Key Tariff Benchmarks issued by the Commission.

5. Interpretation

In these Guidelines unless the context otherwise requires:

“Denial of Access” means refusal to connect a consumer to service where

- (a) the potential customer has paid for the service but the connection to service is delayed by the utility.
- (b) the potential customer is being prevented from going through the processes for application for service.

“DO” means a Designated Officer of the Commission.

CHAPTER 4

GUIDELINES FOR SETTLEMENT OF COMPLAINTS AND DISPUTES

1. Introduction

The law permits any person to submit a complaint to the Commission in respect of a matter arising under the Act or in respect of service provided by a public utility. The complaints and dispute resolution procedures of the Commission involve Negotiated Settlement and Mediation (Informal Procedures) and Formal Hearing (Formal Procedure).

While formal hearings are becoming increasingly necessary, the majority of complaints lodged with the Commission are resolved through informal procedures including telephone calls, letters, site visits, meetings and mediation between utilities and consumers. Nevertheless, the strengthening of the Commission's formal hearing procedures under its Procedural Rules for Formal Hearing calls for a clear demarcation of the boundaries of

the Commission's formal and informal resolution procedures.

These guidelines are issued in accordance with Regulations 13 and 14 of LI 2413 for the optimum management of the complaint and dispute resolution processes of the Commission. The guidelines have been situated within the framework of Ghana's Alternative Dispute Resolution Act, 2010 (Act 798) and are part of the Commission's strategy to increase efficiency, transparency and confidence in its processes. All users of the Commission's complaint and dispute resolution processes shall be guided by LI 2413 and the contents of these guidelines.

Part A deals with Negotiated Settlement, Part B deals with Mediation and Part C deals with Formal Hearing.

PART A: PRELIMINARY INVESTIGATION OF COMPLAINTS

2. Preliminary Investigation

The preliminary investigation of complaints shall be guided by the following:

- 2.1** Upon receipt of a complaint, the Designated Officer (DO) shall review and explain the Commission's complaint procedures to a complainant. The DO may request clarification from the Complainant where necessary.
- 2.2** Where the DO, in accordance with law and applicable procedure, determines that the complaint is outside the remit of the Commission, the DO shall immediately advise the Complainant. The DO shall schedule an appointment for the Complainant to speak to a superior officer where the Complainant so requests.
- 2.3** The DO, upon a review of a complaint, may explain the issues to the complainant. Where the Complainant is satisfied that the explanation resolves the issues, the complaint shall be deemed as resolved and the DO shall make a note of its resolution.
- 2.4** The DO shall enter every complaint lodged with the Commission, together with any attachments into the Commission's Database Management System (DBMS).
- 2.5** No original copies of documents presented by a party in support of a claim shall be retained by the Commission and a party is responsible for the security of all original copies.
- 2.6** The Commission shall conduct a preliminary investigation into the complaint. 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) telephone calls or meetings to clarify any issue arising out of the complaint.
- 2.7** 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. The report shall be in writing and signed by the parties. The Commission may also assist the parties with their settlement through Negotiated Settlement.

³Under the Public Utilities Regulatory Commission Act, 1997 (Act 538) and the Public Utilities Regulatory Commission (Consumer Service) Regulations, 2020 (LI2413),

PART B: NEGOTIATED SETTLEMENT OF COMPLAINTS

3. Goals of Negotiated Settlement

- 3.1** Negotiated Settlement is aimed at:
- (a) identifying and clarifying the main issues in dispute;
 - (b) enhancing communication between the parties about their claims;
 - (c) assisting parties with an informal exchange of information;
 - (d) enabling parties to realistically assess the merits of their case; and
 - (e) facilitating resolution of complaints.
- 3.2** Negotiated Settlement may serve as a cost-effective substitute for mediation and formal hearing.

4. Categories of Matters that May be Settled through Negotiation

The First Schedule sets out the range of complaints that may be resolved through negotiated settlement.

5. Commission Facilitated Negotiated Settlement

- 5.1.** A negotiated settlement shall be facilitated by the Commission where:
- (a) There is delay by the Respondent in responding to the complaint; or
 - (b) There is a lack of clarity in the response of the Respondent; or
 - (c) The Complainant is dissatisfied with the response of the Respondent; and
 - (d) Either party requests the Commission's assistance with the negotiated settlement of the complaint.
- 5.2.** Negotiated settlement may be facilitated by the DO through telephone calls, meetings and other appropriate media between the parties.

5.3. The venue for a physical negotiated settlement meeting shall be in the Region where the complaint originates.

5.4. Negotiated settlement shall not be protracted beyond three meetings and in any case not more than two months.

6. Process of Negotiated Settlement

6.1 The DO shall identify and isolate any areas of agreement between the parties, and shall separate the substantive issues of contention from the "people issues" (namely miscommunication, emotion and perception).

6.2 The DO shall navigate the meeting in a manner that allows the parties to discuss and resolve the substantive issues while acknowledging the people issues.

6.3 The DO has no power to impose settlement on the parties and shall not attempt to coerce a party to accept any proposed terms.

6.4 The DO may engage in discussions through separate meetings with either party or request additional information that will equip the parties to enter into a meaningful and expeditious negotiated settlement.

6.5 Where the parties agree to a binding settlement at the end of the negotiation, the DO shall cause the parties to sign a Negotiated Settlement Agreement.

6.6 Where no settlement is reached, the complaint may be referred to Mediation with the consent of the parties.

7. Confidentiality

Communications made in connection with a negotiated settlement shall remain confidential unless otherwise agreed by the parties or required under applicable law.

PART C: MEDIATION OF COMPLAINTS

8. Goal of Mediation

The goal of mediation is to reach a mutually satisfactory agreement resolving all or part of a dispute by carefully exploring not only the relevant evidence and law, but also the parties' underlying interests, needs, concerns, fears and other priorities.

9. Submission of Complaint to Mediation

The Commission shall conduct a mediation of a complaint where:

- (a) Parties fail to reach an agreement through negotiated settlement and have consented to the mediation of the complaint;
- (b) A court refers a matter or part of a matter to the Commission for mediation; or
- (c) The category of complaint in the First Schedule requires that the Commission proceeds with the resolution of the complaint through mediation.

10. Appointment of Mediators

10.1 The Commission shall maintain a list of mediators comprising both officers of the Commission and external experts.

10.2 The parties to a mediation may appoint a single person or two persons from the list of mediators provided by the Commission to serve as their mediators.

10.3 Where there is more than one mediator, the mediators shall act jointly as co-mediators.

10.4 A DO who was part of the negotiated settlement of a complaint shall not participate as mediator of the same complaint.

11. Mediator with Interest

11.1 A Mediator shall, prior to accepting to mediate a complaint, sign a declaration to the effect that the mediator has no personal interest in the outcome of the complaint or dispute.

11.2 Except by the written consent of the parties, a person shall not be appointed to serve as a mediator in a complaint or dispute if that mediator has a personal interest in the outcome of the complaint or dispute.

12. Powers of a Mediator

12.1 A mediator shall be guided by the principles of objectivity, fairness and justice and shall do everything necessary to help the parties to satisfactorily resolve their dispute.

12.2 A mediator may meet with parties in joint and separate sessions to:

- (a) help parties clarify their interests and understand those of their opponent;
- (b) probe the interests behind each party's position;
- (c) improve communication across party lines;
- (d) identify areas of agreement and separate the substantive issues from "people issues" (namely communication, emotion and perception); and
- (e) Help generate options for a mutually agreeable resolution.

13. Invitation to Mediation

13.1 A mediator shall in writing invite the parties to a Mediation Meeting at least 5 days prior to the date of the mediation. However, in an urgent situation the parties may be invited via telephone calls or any other appropriate means.

13.2 The invitation shall state the date, time and venue of the mediation meeting.

13.3 Unless otherwise agreed by the parties, the mediation shall be held in the region where the complaint or dispute originates.

14. Schedule of Meetings

14.1 The Mediator and the Parties shall agree on a schedule of meetings for the mediation.

14.2 Mediation of a complaint or dispute shall not be protracted beyond four meetings and in any case not more than three months.

15. Representation and Attendance in Mediation

15.1 A party to mediation may be represented by a lawyer, an expert or any other person chosen by the party.

15.2 A party shall communicate in writing to the Mediator the name, address and the extent of authority of the party's representative prior to any scheduled mediation meeting.

15.3 A person who is not a party to a complaint or dispute may attend a mediation session only with the consent of the parties and the mediator.

16. Conduct of Mediation

16.1 A Mediator shall begin the mediation meeting with an opening statement which shall include:

- (a) An overview of the Commission's complaint and dispute resolution process;
- (b) An explanation of the mediation process;
- (c) The role of the parties;
- (d) the role of the mediators;
- (e) The ground rules for the mediation; and
- (f) A statement that the mediator has no power to impose settlement or attempt to coerce a party to accept any proposed terms.

16.2 Each party shall present its case and clarification shall be sought by the Mediator as required.

16.3 The Mediator shall present the reports of any independent investigations and analysis conducted by the experts to guide parties reach a settlement.

16.4 The Mediator shall assist the parties to discuss proposals put forward by the parties for the resolution of the complaint or dispute.

17. End of Mediation

17.1 Where the parties reach a settlement agreement, the mediator shall formulate terms of a possible settlement and submit them to the parties for their consideration.

17.2 The mediator shall upon receipt of comments from the parties, draw up a Settlement Agreement in the light of the comments for signing by the parties.

17.3 By signing the Settlement Agreement, the parties agree that the Settlement Agreement is binding on them and persons claiming under them.

17.4 The Mediator shall sign the Settlement Agreement as a witness to the parties and furnish a copy to each party.

17.5 A mediation ends

- (a) When the parties sign a Settlement Agreement;
- (b) When a party or the parties declare that the mediation should be terminated; or
- (c) Where the Mediator after consultation with parties make a declaration to the effect that further mediation is not worthwhile and would not help resolve the dispute between the parties.

17.6 The declarations by the Mediator or the parties may be oral or in writing but where the declaration is oral the Mediator shall record it in writing.

17.7 Where no settlement is reached, the Mediator shall refer the complaint or dispute to the Executive Secretary for advice on the next level of the Commission's complaint management process.

17.8 Where the dispute was referred to the Commission by a court, the Commission shall do the following:

- (a) Submit a copy of the Settlement Agreement to the Registrar, if the dispute was settled; or
- (b) Report to the court on the next adjourned date, if no settlement was reached.

18. Mediation Expenses

A party to a mediation shall be responsible for expenses of their own witnesses, experts and lawyer. Nevertheless, the Commission may make an order for the payment of costs related to experts where appropriate.

19. Confidentiality

Communications made in connection with mediation shall remain confidential unless otherwise agreed by the parties or required under applicable law.

SCHEDULE ONE

SCOPE OF COMPLAINT AND DISPUTE RESOLUTION MAP					
Type of Complainant	Sub Categories of Complaints	Stages of Complaints Resolution			
		Negotiated Settlement	Settlement by Mediation	Formal Hearing	
Consumers against Public Utility	Voltage Fluctuation/Low Pressure	√			
	Power Outage/No Flow	√			
	Pole Faults	√			
	Relocation of Pole	√			
	Phase Offs	√			
	Cable Issues	√			
	Sagging Lines	√			
	Damaged/Faulty Transformers	√			
	Loose contact	√			
	Inadequate Extensions	√			
	Pipe Burst/Leakages	√			
	Coloured Water	√			
	Impurities in Water	√			
	Denial of Access to Supply	√	√		
	Delayed Service Connection	√			
	Uncaptured SHEP Customer	√			
	Extortion	√	√	√	
	Staff Attitude	√			
	Non Functional App	√			
	Over Billing	√	√	√	
	Under Billing/ Unit Recovery	√	√	√	
Wrongful Reading	√	√	√		
Bulk Billing	√	√	√		
Non Delivery of Bills	√	√			

SCOPE OF COMPLAINT AND DISPUTE RESOLUTION MAP				
Type of Complainant	Sub Categories of Complaints	Stages of Complaints Resolution		
		Negotiated Settlement	Settlement by Mediation	Formal Hearing
Consumers against Public Utility	Late Delivery of Bills	√	√	
	Estimated Bills	√	√	
	Wrong Name on Bills	√		
	Wrong Tariff Class	√	√	
	Delay in Passing Adjustments	√	√	
	Faulty Meter	√		
	Burnt Meter	√		
	Stolen Meter	√		
	Defaced Screen	√		
	Meter Repositioning	√	√	
	Loss of Credit on Pre-paid Meter	√	√	
	Broken/ Rusted Meter Seal	√	√	
	Unauthorized Removal of Meter	√	√	
	Disconnection from Pole	√	√	
	Disconnection without Owing	√	√	
	Disconnection without Notice	√		
	Disconnection on False Allegation	√	√	
	Faulty Pre-Paid Card	√	√	
	Blocked Pre-Paid Account	√	√	
	Damaged Appliance	√	√	√
	Damaged Property	√	√	√
	Payment Not Reflecting	√	√	
	Payment into Wrong Account	√	√	
Request for Payment Plan	√	√		

SCOPE OF COMPLAINT AND DISPUTE RESOLUTION MAP				
Type of Complainant	Sub Categories of Complaints	Stages of Complaints Resolution		
		Negotiated Settlement	Settlement by Mediation	Formal Hearing
Public Utility against Consumers	Default on Payment of Bills	√	√	
	Under billing/Unit Recovery	√	√	
	Illegal Direct Connection / Meter Bypass/ Tampering	√	√	√
	Unauthorized transfer of Meter	√	√	
	Self-Reconnection	√	√	
	Damaged Installations	√	√	√
	Encroachment on Utility Corridor	√	√	√
	Denial of Access to Meter Installation	√	√	
	Interconnections	√	√	
	Use of Unauthorized Meters	√	√	
Consumers against Consumers	Defaults in Payment of Bills	√	√	
	Illegal Connection / Tampering	√	√	
	Interference in Supply	√	√	
Public Utility against Public Utility	Non-Payment of Invoice			√
	Metering			√
	Rate Chargeable			√
	Quality and Reliability of Supply			√

SCHEDULE TWO



PUBLIC UTILITIES REGULATORY COMMISSION

OFFICE LOCATION:

NO.28 EXAMINATION LOOP
NORTH RIDGE
ACCRA, GHANA

POSTAL ADDRESS:

P. O. BOX CT 3095
CANTONMENTS, ACCRA
TEL: (233-302) 240046/244184
Fax: (233-302) 244189
E-MAIL: purcaccra@yahoo.com
www.purc.com.gh

COMPLAINT FORM

Case Number:

COMPLAINANT INFORMATION

Date of Complaint:.....

Name of Complainant:.....

AccountNumberorCustomerNumber/SupplyPointNumber:.....

Postal Address:..... Source:.....

Phone Number:..... E-mail:.....

DETAILS OF YOUR COMPLAINT

Respondent:..... District Offices/Out Station.....

Nature of Complaint Direct Complaint Reported Complaint

Billing Quality of Service Supply Payment Metering Unlawful Disconnection

Damaged Property Consumer Service Delivery Other

Details:

Request::

Attachment Yes No

Signature of Complainant.....

Declaration by DO: I have read over and explained the contents of this form to the Complainant and he/she has fully understood or appears to understand the contents of the complaint.....

CHAPTER 5

GUIDELINES FOR COMPLIANCE & ENFORCEMENT

1. Introduction

The overall mandate of the Public Utilities Regulatory Commission (PURC) is to regulate and oversee the provision of utility services by public utilities to consumers. As a key component of this, the Commission ensures that utility companies comply with various laws relating to their services.

The Commission also works to ensure that consumers comply with their obligations to utility service providers, as prescribed in the Public Utilities Regulatory Commission (Consumer Service) Regulations, 2020 (LI 2413) and other regulations.

In accordance with Regulation 47 of LI 2413, these guidelines are issued for the enforcement of the Regulations, directives and orders of the Commission. The guidelines set out policies and procedures adopted by the Commission to secure utility and consumer compliance through enforcement of laws and standards. The policies and procedures are supported by relevant statutes. This document is aimed at assisting the Commission to reference and justify its choice of enforcement actions. It is also being published to inform all users about the Commission's compliance and enforcement processes.

2. Principles of Enforcement

2.1 Administrative Law Principles

Administrative Law is a branch of Public Law which governs the activities of statutory bodies or administrative agencies established by the state, such as the Public Utilities Regulatory Commission. This area of the law sets out basic principles governing the actions and decision-making of administrative agencies in order to preserve the rights of society. The basic principles include Due Process, Fairness and the Rule against Ultra Vires, among others.

Article 23 of the 1992 Constitution of Ghana also imposes a duty on administrative bodies to act fairly and reasonably and comply with the requirements imposed on them by law. Under Article 296 (a) and (b), the exercise of

discretionary power implies a duty not to be arbitrary, capricious or biased but to be fair and candid and act in accordance with due process of law.

Through judicial review, administrative law provides parameters by which the courts review decisions of specialist administrative bodies. The general position is that judicial review should be limited to the authority and procedure by which the decision was arrived at, rather than the technical merits of the decision. The grounds for judicial review have been classified under three headings: Illegality, Irrationality and Procedural Impropriety. In enforcing laws and guidelines to ensure utility compliance, PURC exercises discretionary power and will be guided by the basic principles of administrative law, that is, ensuring legality, rationality and procedural propriety in the interest of natural justice and transparency.

2.2 Threefold Approach to Compliance and Enforcement

The Commission's approach to securing compliance is to combine incentives and prohibitions. Incentives encourage industry ownership of efficiency standards and self-effort while timely enforcement also ensures a reasonable level of service by utility companies. Consumer behavior is also shaped by clear information that links service delivery to consumers' performance of their obligations.

The combined strategy employs the following threefold method:

Education: Enhance information exchange to foster self-regulation by public utilities and heighten consumer consciousness of prudent utilisation of utility services.

Prevention: Provide clear regulatory requirements, inspections, warnings and publications.

Enforcement: Impose sanctions where necessary and uphold the Commission's dispute resolution mechanisms which are based on Alternative Dispute Resolution.

⁴Wednesbury Principles

2.3 Rationale for Approach

The approach recognizes that the performance of the utility sector in Ghana is influenced by a multiplicity of factors including financing and resource constraints, ownership and social limitations, and organizational culture and governance issues. This compliance and enforcement strategy therefore complements efforts to achieve cost recovery and timely investments, all to achieve an optimum level of customer satisfaction commensurate with tariff levels.

Equally, consumers must honour their obligations to utility service providers including payment for service, use of service for contracted purposes and desisting from illegal activities. The Commission is committed to effective consumer education strategies and will uphold utility company rights through its Dispute Resolution Mechanisms.

3. Regulatory Considerations Under Section 11 of Act 538

Section 11 of the Act prescribes the fundamental level of service that a public utility is obligated to provide to the public. The section states:

11. Provision of Adequate Service

A public utility licensed or authorised under any law to provide utility service shall

- (a) maintain its equipment and property used in the provision of the service in a condition that enables it to effectively provide the service;
- (b) make the reasonable effort that is necessary to provide to the public a service that is safe, adequate, efficient, reasonable and non-discriminatory; and
- (c) make the repairs, changes, extensions and improvements in or to the service that are necessary or proper for the efficient delivery of the service to the consumer.

In making a determination under Section 11 as to whether or not a utility company has met its obligations, PURC will apply the Regulatory Considerations below.

REQUIREMENT UNDER SECTION 11	REGULATORY CONSIDERATIONS
a) Maintenance of equipment and property	Equipment and property kept in condition that will enable utility to effectively provide the service. Asset maintenance in accordance with manufacturer specifications and technical parameters approved by the various regulatory institutions.
b1) Safety	Not exposing consumers to danger / damage / harm /loss, or the possibility of danger / damage / harm / loss. Reasonable precautions in place as determined by various regulatory institutions.
b2) Adequacy	Satisfactory. Within industry parameters. Acceptable taking into account any existing constraints. Constraints should not be attributable to under-performance, sub-optimal action or negligence on the part of the utility.
b3) Efficiency	Satisfying legal criteria, regulatory benchmarks and standards. Employing a minimum of waste or expense as compared to benefit to utility or consumer. Economical. Achieving optimal results from limited resources thereby exceeding consumer expectation and satisfaction.
b4) Reasonableness	Satisfying legal criteria, regulatory benchmarks and standards.
b5) Non-discrimination	Uniform and non-preferential treatment to all of same category on first come, first-served basis. Justifiable reasons provided where there is differentiation within one category or across different categories. Eliminating unfair trade practices.
c) Repairs, Changes,, Extensions, and Improvements (including upgrades in utility technology)	Executed / Undertaken at a level necessary or proper for the efficient delivery of the service to the consumer. Advanced technology introduced taking into account any constraints not attributable to utility

⁵ Enforcement is a scale of actions commencing with monitoring and culminating in charges, other sanctions and court action in increasing measure.

4. Regulatory Action Under Section 12

4.1 Section 12 of the Act provides the means for enforcing Section 11 where a utility company is in breach of its obligation. The section states:

12. Compliance with Duty Under Section 11

(a) Where the Commission discovers on its own or upon a complaint that the service provided by a public utility is not in accordance with section 11, the Commission:

- shall direct the provision of the adequate or reasonable service that should be provided in writing, and
- may include any other directions that will secure compliance with section 11.

(b) In issuing directions, the Commission may include the payment of compensation by the public utility to a consumer for damage or loss suffered due to the utility's non-compliance with Section 11.

There are two means by which PURC identifies non-compliance by a utility company. These are:

- (a) Through the Commission's own processes, or
- (b) Upon receipt of a complaint.

The two means trigger different internal procedural paths as explained below.

4.2 Breach Identified by the Commission on its own

(a) Where the Commission itself identifies a utility breach, it may deal with the situation without the need for activating its dispute resolution procedures. The Commission may proceed to issue enforcement orders in accordance with paragraph 6 of these guidelines based on information available to the Commission.

(b) Notwithstanding (a) above, the Commission may also elect to initiate

a Formal Hearing process where it requires a detailed investigation into the circumstances. A Formal Hearing may involve consumers and utilities, utilities only, or utilities and other interested parties .

- (c) Even where the Commission chooses not to initiate a Formal Hearing but decides to issue enforcement orders, it will recognize principles of natural justice by furnishing the utility with details of the alleged non-compliance and give it a reasonable opportunity to state its case as part of the enforcement process.
- (d) After considering the case of the utility, the Commission will make a determination on the basis of the Regulatory Considerations in Paragraph 3 above or other applicable regulations, and issue the appropriate enforcement orders.
- (e) The Commission shall proceed to make a decision as in (d) above where a utility fails to state its case.

4.3 Breach Identified through a Complaint

(a) Where the Commission identifies a potential utility breach through a complaint, the matter shall be processed through the Dispute Resolution Procedures provided in LI 2413 as follows:

- i. A Preliminary Investigation includes site visits, request for further information or documentation, telephone calls or meetings to clarify issues between the parties. A preliminary investigation can terminate a complaint where the parties are satisfied with the Commission's interventions.
- ii. A Negotiated Settlement may be facilitated by the Commission where a party so requests. A complaint is resolved where the parties agree to a Negotiated Settlement Agreement.
- iii. Mediation is conducted with the consent of the parties where there is failure to reach a Negotiated

⁶ See PURC Procedural Rules for Formal Hearing

Settlement. A complaint can be terminated through Mediation where the parties come to terms and execute a Settlement Agreement or fail to reach one.

- (b) Formal Hearing is conducted by a panel established by the Commission in accordance with its Procedural Rules for Formal Hearing. It culminates in a Panel recommendation and a Commission decision.
- (c) The Complaints and Dispute Resolution Procedures also enable the Commission to enforce utility rights against consumers wherever possible as required. Despite the fact that an issue has come to the Commission through a complaint, nothing prevents the Commission from taking further regulatory action.
- (d) The Commission's enforcement actions regarding utility breaches shall be based on the Regulatory Considerations Test in Paragraph 3 of these guidelines and on other applicable regulations. The Commission shall make a determination that the utility service in question either failed the Regulatory Considerations Test or is contrary to other applicable regulations.
- (e) The initiation of a complaints process does not prevent the Commission from making interim orders under Section 12 of Act 538 if necessary. Interim directives or orders will be made where the Commission deems it to be in the interest of the public or the parties. In making interim orders the Commission will not attempt to finally dispose of the issues, merely to preserve the best interests pending a final decision.

5. PURC Action Where a Breach is Classified as an Offence

- 5.1. Act 538 and other regulations classify the breach of several statutory provisions as offences. Offences are enforceable by the courts, through imposition of fines or prison sentences. For example, a utility

company which fails to submit required information to the Commission should be charged with an offence for which it is liable upon conviction to a fine or the imprisonment of its Director or Secretary for up to two years.

- 5.2. In line with best regulatory practice, the policy of the Commission is to invoke criminal processes only as a last resort. Hence the administrative sanctions under LI 2413 and these guidelines will be used in the first instance to facilitate the Commission's enforcement actions.

6. Regulatory Directives Under Section 12

6.1 Powers of the Commission

The legal powers available to the Commission under Act 538 for executing its statutory mandate are set out in Schedule 1 of these Guidelines. Additional powers of the Commission are provided under other statutes and regulations.

6.2 Written Directives

Written Directives entail:

- (i) Correspondence

Any correspondence (official letter) from the Commission to a utility company which requires the utility to take or desist from an action is a written direction and satisfies Section 12.

- (ii) Orders

Regulators in most jurisdictions adopt formal directives called Orders to secure utility action. An Order signals the utility that an enforcement process has been initiated. It is written in clear terms indicating the specific action(s) the utility is required to take or desist from taking, timeline for compliance, and any compensation imposed. The Commission may make interim orders before issuing a Final Order.

6.3 Range of Enforcement Measures

In line with best regulatory practice, the Commission adopts a number of measures in issuing Directives and Orders, aimed at encouraging self-correction by the utility company. The steps in the range are:

⁷ See PURC Complaints and Dispute Resolution Guidelines

- Notification to Rectify – This is a written directive notifying a utility of its breach in provision of service or failure to comply with a directive of the Commission and requesting the utility to rectify the breach within a stated period.
 - Request to Show Cause – This is a written directive requesting the utility to show cause or demonstrate why enforcement proceedings should not be initiated against it for failure to rectify a breach or failure to uphold its obligations in service provision.
 - Final Order – This represents the Commission’s final decision on the matter and is for the compliance of the utility company.
 - Publication of Order – The Commission may publish copies of its Orders for the information of the public.
 - Enforcement of Order – Where there is non-compliance with an Order by a utility company, the Commission will apply for court enforcement under Section 32 of Act 538 and Order 19, Rule 1 of the High Court (Civil Procedure) Rules 2004 (C. 1. 47).
 - Tariff Decisions – The Commission may take a number of tariff related decisions as part of its enforcement processes, including denial or withholding of a tariff adjustment, directing a utility to undertake specific projects with funds ring-fenced from its tariff revenue.
 - Any other appropriate measure.
- Payment of regulatory charge to Commission or Energy Fund
 - Recovery of units
 - Penalty for illegal connection
 - Any other related matter

6.5 Award of Compensation

- (a) The Commission will impose an order of compensation on a utility where a consumer has suffered some damage, loss or inconvenience from the utility’s breach of obligation.
- (b) The law provides no limits to the amount of compensation that the Commission may order. Hence the Commission shall exercise discretion in such matters. The Compensation and Regulatory Charge Policy in Schedule 2 provides the reference guide for imposition of a compensation order. Compensation may be based on:
 - Actual loss suffered by the consumer (quantified)
 - A negotiated amount, or
 - An amount that the Commission considers just and reasonable in the circumstances.

6.6 Imposition of Surcharge

A utility company is entitled to impose a surcharge on a person where the person excavates, tampers or interferes with, or damages a utility installation or equipment. The surcharge shall be approved by the Commission.

6.7 Regulatory Charge

- (a) The Commission will impose a regulatory charge on a utility where the utility is in breach of its obligations, whether or not damage or loss has been suffered by an identified consumer.
- (b) The Compensation and Regulatory Charge Policy in Schedule 2 provides the reference guide for imposition of a regulatory charge.

6.4 Consequential Directions under Section 12

An Order may have related or consequential directions including any of the following:

- Payment of compensation to consumer
- Temporary or final reconnection where service was disconnected
- Adjustment or suspension of billing
- Publication of information
- Suspension of tariff review pending compliance
- Suspension or modification of utility policy or procedure

⁸ See Section 38 of Act 538

⁹ Among others, the Energy Commission Act, 1997 (Act 541), Electricity Supply and Distribution (Technical and Operational) Rules, 2005 (LI 1816), Electricity Supply and Distribution (Standard of Performance) Regulations, 2008 (LI 1935), Natural Gas Distribution and Sale (Technical and Operational) Rules, (LI 1911), Natural Gas Transmission Utility (Technical and Operational) Rules 2007 (LI 1913) and Natural Gas Distribution and Sale (Standards of Performance) Regulations, 2007 (LI 1912).

SCHEDULE 1: POWERS OF THE COMMISSION

ACT 538 SECTION	MANDATE
[S.3]	Power to initiate and conduct investigations into standards of quality of service
[S.3]	Power to conduct studies relating to economy and efficiency of public utilities
[SS.3, 25]	Power to make valuation of property of public utilities
[SS. 3,24]	Obligation on public utility to submit data or information to the Commission
[S. 11] [SS. 12]	Power to direct utility to: <ul style="list-style-type: none"> • maintain assets for effective provision of service • provide safe, adequate, efficient, reasonable & non-discriminatory service • make repairs, changes, extensions and improvements to the service for efficient delivery of the service • pay compensation to any consumer for damage or loss suffered on account of failure to meet a, b, & c • comply with other directions
[S.12]	Power to direct the discontinuance of out-of-date technology Power to direct the introduction of advanced technology for improvement in service or reduction in cost
[S.13]	Power to monitor performance and determine compensation payable to a person adversely affected by utility failure to meet standards
[S.14]	Power to: <ul style="list-style-type: none"> • direct the payment of specified sum to an institution or corporate body; or • recommend the cancellation or suspension of utility's license; or • make other just directions, where utility fails to honour an agreement to provide, develop or expand service to an institution or corporate body
[S.16]	Power to issue Guidelines on rates chargeable by a public utility
[S.17]	Power to investigate and determine justification or reasonableness of any expenditure incurred by a public utility
[S.18]	Power to approve Special Rates to be paid by a consumer to a public utility
[SS. 20, 21,22]	Powers relating to tariffs: <ul style="list-style-type: none"> • To approve uniform or non-uniform rates throughout the country for any utility service; • To require a utility to file and/or make its rates for the service it provides available to the public; • To require a utility to file notice for new or revised rates for services; • To approve utility rates chargeable and publish the decision on rates chargeable
[S. 23]	Power to direct two or more utility companies to enter into agreement for joint use of facilities and any related compensation
[SS. 23, 29]	Powers related to the resolution of complaints: <ul style="list-style-type: none"> • To order a public utility or the complainant to provide information relevant to complaint; • To order a public utility to conduct tests and inspection necessary to resolve the complaint; • To resolve utility related complaints.
[S. 26,27]	Power to direct a public utility to furnish a consumer or class of consumers with a bill or to adjust a bill
[S. 28]	Power to require a public utility to pay interest on a deposit paid by consumer as condition for service.
[S. 44]	Power to enter premises of a utility to inspect or to carry out any function to ensure that the provisions of the Act are complied with.
[S. 45]	Power to direct a public utility to review its complaints procedures or operational procedures.
[S. 48]	Power to issue regulations necessary for the implementation of the Act.

SCHEDULE 2: COMPENSATION AND REGULATORY CHARGE POLICY

Background

Public utilities engaged in electricity, natural gas and water services in Ghana are obliged to provide minimum levels of service prescribed in a number of enactments. The enactments also provide for compensation or charges to be paid by utility companies where there is failure to meet these standards. The law thus upholds the principle of accountability in utility service provision, and expects regulation to send appropriate financial signals to utilities where their actions are found imprudent or unreasonable. Among others, such actions may include wrongful, excessive or prolonged service interruptions, inordinate delay in providing connections, or poor communication to consumers.

The Public Utilities Regulatory Commission supports public utilities to achieve increasingly higher levels of performance which will improve consumer willingness to pay and positively impact providers' cash flow. In addition to granting their prudent investment and tariff requirements, the Commission will hold utilities accountable through appropriate compensation orders and regulatory charges. In doing so the Commission will not impose excessive costs on utilities but will ensure that penalties are commensurate with rates.

This document provides the framework for compensation and regulatory charge orders by the Commission in the event of utility breach of standards and law. The framework recognises damage, loss or inconvenience occasioned by utility breach of standards. The Commission is also mindful of the fact that a component of rates paid by consumers is a fixed monthly charge payable whether service is provided or not, thus imposing a greater responsibility on utilities to provide reasonable services. This framework forms part of the Commission's Guidelines for Compliance and Enforcement.

Outline

- Section 1** Background
- Section 2** General level of service required of a public utility under Public Utilities Regulatory Commission Act, 1997 (Act 538).
- Section 3** Specific standards of service

already existing under various regulations.

Section 4 Relationship between general level of service and specific obligations.

Section 5 Discretionary powers of the Commission.

Section 6 Framework for compensation and regulatory charges.

1.0 General Level of Services

Section 11 of the Public Utilities Regulatory Commission Act, 1997 (Act 538) provides:

"A public utility licensed or authorised under any law to provide utility service shall:

- (a) maintain its equipment and property used in the provision of the service in a condition that enables it to effectively provide the service;
- (b) make the reasonable effort that is necessary to provide to the public a service that is safe, adequate, efficient, reasonable and non-discriminatory; and
- (c) make the repairs, changes, extensions and improvements in or to the service that are necessary or proper for the efficient delivery of the service to the consumer."

The section imposes a duty on all public utilities to provide a basic level of service, measured by effectiveness, efficiency, safety, adequacy, efficiency, reasonableness and absence of discrimination.

The means by which the Commission interprets effectiveness, efficiency, safety, adequacy, efficiency, reasonableness and absence of discrimination is spelt out in the Compliance and Enforcement Guidelines.

2.0 Specific Standards of Performance

Other applicable provisions on utility standards and compensations may be found in the following:

¹¹ Sections 11, 12 and 13 of the Public Utilities Regulatory Commission Act, 1997 (Act 538); Electricity LI 1935; LI 2413...

2.1 Electricity and Natural Gas

- (1) Electricity Supply and Distribution (Technical and Operational), 2005(LI 1816)
- (2) Electricity Supply and Distribution (Standards of Performance) Regulations, 2008 (LI 1935)
- (3) Electricity Transmission (Technical, Operational and Standards of Performance) Rules, 2008 (LI 1934)
- (4) National Electricity Grid Code
- (5) Natural Gas Distribution and Sale (Technical and Operational) Rules, 2007(LI 1911)
- (6) Natural Gas Distribution and Sale (Standard of Performance) Regulations, 2007(LI 1912)
- (7) Natural Gas Transmission Utility (Technical and Operational) Rules, 2007(LI 1913)
- (8) Natural Gas Transmission Utility (Standards of Performance) Regulations, 2008(LI 1936)
- (9) Public Utilities Regulatory Commission (Consumer Service) Regulations, 2020 (L.I. 2413)

2.2 Water

- (1) Public Utilities Regulatory Commission (Consumer Service) Regulations, 2020 (L.I. 2413)
- (2) Water Quality Standards issued by the Ghana Standards Authority

2.3 Public Utilities Regulatory Commission (Consumer Service) Regulations, 2020 (L.I. 2413)

This regulation is applicable to all regulated utility businesses. Among others, it empowers the Commission to enforce its Key Tariff Benchmarks. These benchmarks are agreed between the Commission and the utility and adjusted from time to time.

3.0 Relationship between Section 11 and Specific Standards of Performance

Section 11 of Act 538 imposes a general framework for a basic level of service, while other regulations and codes provide specific parameters for specific aspects of service provision.

This compensation framework is issued under Sections 11, 12 and 13 of Act 538. It is complementary to and not in replacement of specific regulations. Section 11 remains the catch-all standard and therefore it is possible for the Commission to determine that a utility's performance falls short of Section 11 even though the exact standard may not be specifically prescribed.

4.0 Discretionary Power of the Commission

In sum, Sections 11, 12 and 13 of the Act give the Commission discretionary power.

- Where a standard, penalty or compensation is specified by law, the Commission will apply that law. However, Sections 12 and 13 empower the Commission to impose other directions, measures or sanctions to ensure the utility complies with section 11. This falls within the discretionary remit of the Commission.
- Where a standard, penalty or compensation is not specified by law, the Commission may nevertheless order a public utility to compensate a consumer for damage, loss or inconvenience from the failure of the public utility to comply with its duty under Section 11. Again, this is within the discretionary remit of the Commission.

The Commission will uphold fairness and due process in the exercise of its discretionary power.

5.0 Framework for Computation of Compensation and Penalties

On the basis of the above, directives to utility companies to pay compensation or charges for unsatisfactory service will be based on the considerations in the Table below. Compensations and charges will be graduated depending on whether the breach affects an individual consumer or is of widespread occurrence, and whether it is a first or repeated infringement by the utility.

SERVICE BREACH		BASIS OF COMPENSATION TO BE PAID BY UTILITY		
		(a) Individual Consumer	(b) Repeated Infringement to Consumer in a Year (12 Calendar Months)	(c) Widespread Occurrence (More than 500 instances in locality or per meter type)
a.	Wrong billing (Overcharge)	<ol style="list-style-type: none"> Overcharged amount refunded to consumer or credited to customer account; and Where overcharge exceeds 3 months, interest on overcharged amount at the prevailing 91 day Treasury Bill rate for the period of wrong billing paid to consumer or credited to customer account. 	<ol style="list-style-type: none"> Overcharged amount refunded to consumer or credited to customer account; Interest on overcharged amount at the prevailing 364 day Treasury Bill rate for the period of wrong billing paid to consumer or credited to customer account; and Minimum compensation under the CSR paid to consumer or credited to customer account. For lifeline consumer, compensation is total bill discounted by 25%. 	<ol style="list-style-type: none"> Overcharged amounts credited to customer accounts; Interest on overcharged amount at the prevailing Treasury Bill rate for the period of wrong billing credited to customer accounts; Minimum compensation based on CSR credited to customer accounts. For lifeline consumers, compensation is total bill discounted by 25%; and Regulatory Charge imposed on utility.
b.	Wrong billing (Undercharge due to utility's default and where utility intends to recover)	<ol style="list-style-type: none"> Instalment payment plan offered by utility. 	<ol style="list-style-type: none"> Instalment payment plan offered by utility; and Where undercharge exceeds 3 months, minimum compensation under the CSR paid to consumer or credited to customer account. For lifeline consumer, compensation is total undercharge discounted by 25%. 	<ol style="list-style-type: none"> Instalment payment plan offered by utility; Minimum compensation based on CSR credited to customer account; and For lifeline consumers, compensation is total undercharge discounted by 25%.
c.	Application of wrong tariff	<ol style="list-style-type: none"> Instalment payment plan offered by utility in case of under charge; Overcharged amount refunded to consumer or credited to customer account. 	<ol style="list-style-type: none"> Instalment payment plan offered by utility in case of under charge; Minimum compensation under the CSR paid to consumer or credited to customer account. 	<ol style="list-style-type: none"> Instalment payment plan offered by utility in case of under charge; Tariff income over-recovered by utility company pro-rated over customer population affected and credited to customer accounts; and Regulatory Charge imposed on utility.

¹² CSR means Public Utilities Regulatory Commission (Consumer Service) Regulations, 2020 (L.I. 2413)

¹³ Under LI 1816 R 27(1) the utility may choose to forfeit the amount undercharged.

SERVICE BREACH		BASIS OF COMPENSATION TO BE PAID BY UTILITY		
		(a) Individual Consumer	(b) Repeated Infringement to Consumer in a Year (12 Calendar Months)	(c) Widespread Occurrence (More than 500 instances in locality or per meter type)
d.	Damaged items	1. Present value of damaged item(s) on the basis of receipts or Commission market survey.	1. Present value of damaged item(s) on the basis of receipts or Commission market survey.	1. Present value of damaged item(s) on the basis of receipts or Commission market survey.
e.	Malfunction/failure in Utility Equipment or process (leading to interruption of supply)	Minimum compensation under the CSR paid to consumer or credited to customer account.	Minimum compensation under the CSR paid to consumer or credited to customer account.	1. Cost of alternate cost of supply; pro-rated over customer population affected credited to customer accounts; and 2. Regulatory Charge imposed on utility under CSR.
f.	Discrimination	Minimum compensation under the CSR paid to consumer or credited to customer account.	Minimum compensation under the CSR paid to consumer or credited to customer account for each week the contravention continues from date of Commission directive to date of utility resolution.	Double compensation under the CSR paid to consumers or credited to customer accounts.
		(a) Single Instance		(b) Repeated Infringement in a Year (12 Calendar Months)
g.	Failure to undertake Scheduled Maintenance leading to interruption of supply.	Regulatory Charge imposed on utility under CSR.		Regulatory Charge imposed on utility under CSR.
	Delay in completion of maintenance leading to extended interruption without communication.			
	h. Breach of Safety Requirements			
	i. Inadequate service			
	j. Inefficiency			
k.	Lack of Reasonable Effort by Utility			

Table 1: PURC Consumer Service Regulations, 2020 (LI 2413)

CATEGORY		MINIMUM 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
	Generation service	4,000



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"PURC TARIFF RECKONER"

Mobile App

Calculate the Amount to Pay for Your
Electricity & Water Consumption on the Go!

ELECTRICITY TARIFFS

Consumption (kWh) ----> Total Amount (GHS)

Customer Type : Residential ▼

Preference : Consumption (kWh) ▼

Consumption (kWh) :

Energy Charge (GHS) :

Levies/Taxes (GHS) :

Service Charge (GHS) :

Total Amount (GHS) :

CALCULATE

WATER TARIFFS

Consumption (m3) ----> Total Amount (GHS)

Customer Type : Residential ▼

Preference : Consumption (m3) ▼

Consumption (m3) :

Water Charge (GHS) :

Levies (GHS) :

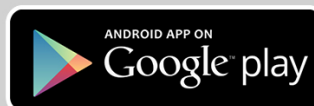
Service Charge (GHS) :

Total Amount (GHS) :

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