

**PUBLIC UTILITIES REGULATORY COMMISSION
(CONSUMER SERVICE) REGULATIONS, 2020**

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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 30th day of July, 2020.

Preliminary Provisions

Purpose of Regulations

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

Application of Regulations

2. These Regulations apply to
 - (a) a public utility 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;
 - (b) a public utility licensed or authorised under any relevant enactment to engage in the production, transmission or distribution of water;
 - (c) a customer of a service; and
 - (d) a consumer of a service.

Rights and Obligations of Consumers and Public Utilities

Rights of a consumer

3. (1) Subject to the investment plan of a public utility, a person has a right of connection to a service if that person
 - (a) applies for the service within the concessional area of the public utility;
 - (b) complies with the requirements of the public utility; and
 - (c) has paid for the service.

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(2) A consumer has a right to the provision of a service which is safe, adequate, efficient, reasonable and non-discriminatory.

(3) 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) metering and billing for the service;
- (c) the approved tariff schedule;
- (d) disconnection procedures;
- (e) interruption in services; and
- (f) the procedure for seeking redress in the event of a violation of the right of a consumer by a public utility.

(4) Subject to these Regulations, a public utility shall not deny the right of access of a consumer to a service except for stated reasons which are subject to review in accordance with the guidelines for the review procedure of the Commission.

Obligations of a consumer

4. A consumer shall

- (a) pay for a service received within the period specified in regulation 30;
- (b) use a service for the purpose for which the service was contracted;
- (c) not connect illegally to a service;
- (d) not tamper, interfere with or damage utility equipment or a meter or permit any other person to tamper, interfere with or damage utility equipment or a meter;
- (e) not change the location of a meter;
- (f) not use a service in a manner which interferes with the supply of the service to others;
- (g) not permit another person to use the service in a manner which interferes with the supply of that service to others;
- (h) grant the employee of a public utility or agent of a public utility, safe and reasonable access to the premises of the consumer, subject to the production of a verifiable identity card, to read a meter or to check a utility equipment, where

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that employee or agent follows the procedure for grant of access prescribed in the Customer Charter of the public utility; and

(i) comply with enactments affecting services in the country.

Rights of a public utility

5. A public utility has a right to

(a) payment for the service of that public utility within the period specified in regulation 30; and

(b) deny access to the service where a consumer or an applicant for a service fails to comply with these Regulations.

Obligations of a public utility

6. A public utility shall

(a) make available to a customer, copies of the Customer Charter of that public utility, free of charge and publish the Customer Charter on the website of the public utility;

(b) provide a service through the appropriate service connections and protective devices in accordance with the applicable standards;

(c) undertake consumer education;

(d) provide a service of the public utility which is safe, adequate, efficient, reasonable and non-discriminatory; and

(e) comply with the enactments and regulatory guidelines affecting services in the country.

Power of Commission to issue orders

7. For the purpose of enforcing the rights and obligations of a consumer or a public utility under these Regulations, the Commission may issue orders and the consumer or public utility shall be bound by the orders.

Complaints and Dispute Resolution

Complaint to a public utility

8. (1) A public utility shall establish procedures for dealing with complaints relating to the service provided by that public utility.

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- (2) A public utility shall
 - (a) publicise the procedure in a manner that the Commission may require; and
 - (b) make copies of the complaint procedure, available on request free of charge and on the website of the public utility.
- (3) A public utility shall not establish or modify a complaint procedure unless
 - (a) the public utility has employed reasonable means to consult persons for whom the public utility provides the service; and
 - (b) the proposed procedure or modification has been approved by the Board.
- (4) The Commission may direct a public utility
 - (a) to review established complaint procedures or the manner in which that public utility operates; and
 - (b) to make modifications to the complaint procedures.

Complaint lodged with the Commission

9. (1) A public utility or a consumer may lodge any of the following types of complaints with the Commission in respect of a service provided by that public utility:

- (a) a complaint by a public utility against a consumer;
- (b) a complaint by a public utility against another public utility or entity;
- (c) a complaint by a consumer against another consumer; or
- (d) a complaint by a consumer against a public utility.

(2) Despite subregulation (1), any other person who receives from a public utility a service which is unsafe, inadequate, inefficient, unreasonable or discriminatory may lodge a complaint with the Commission.

(3) Subregulations (1) and (2) exclude a claim for death or bodily injury suffered or arising from the use of the service.

Form of complaint lodged with the Commission

10. (1) A complaint lodged with the Commission shall be made orally or in writing in the form and manner required by the Commission, supported by copies of relevant documentation.

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(2) A complainant shall disclose information relevant to the complaint including the following:

- (a) full name, telephone number and address including the electronic mail address and digital address of the complainant;
- (b) 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 action, inaction or omission of the respondent.

(3) A complaint lodged orally under subregulation (1) shall be recorded in writing by a designated officer of the Commission.

Service of complaint on respondent

11. (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 working 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) A public utility shall, within five working days of resolution of a complaint under this regulation, submit a written notification of the resolution to the Commission, indicating the terms of the resolution in the form prescribed by the Commission.

(4) For the purposes of this regulation, a “response” means a written acknowledgement of the receipt of a complaint, indicating steps taken by the respondent to resolve the complaint and the expected timeline for resolution of the complaint by the respondent.

Preliminary investigation of complaint

12. (1) The Commission shall, on receipt of a complaint, conduct a 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) telephone calls or meetings to clarify any issue arising out of the complaint.

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(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

13. Without limiting regulation 12, 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

14. (1) Where

(a) the parties to a complaint fail to resolve the issues through mediation under regulation 13, 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 parties to a formal hearing of a complaint shall pay the prescribed filing fees for administrative expenses related to the conduct of the formal hearing of the complaint.

Withdrawal of complaint

15. (1) A complainant may withdraw a complaint lodged with the Commission but the withdrawal does not limit the right of that complainant to lodge the complaint again.

(2) A complaint which is re-lodged under subregulation (1) shall be subject to the terms and conditions imposed by the Commission.

Experts

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

Consumer Service Committee

Establishment of a consumer service committee

17. (1) Pursuant to section 31 of the Act, the Commission may establish a consumer service committee for a geographical area of the country that the Commission considers necessary.

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- (2) A consumer service committee shall comprise
- (a) the 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.

(3) A consumer service committee shall meet at least once every month at a time and place determined by the chairperson.

(4) The quorum for a meeting of a consumer service committee is three members.

(5) Subject to guidelines issued by the Commission, the members of the consumer service committee shall regulate the procedure for meetings of the committee in accordance with the guidelines of the Commission.

Functions of a consumer service committee

18. (1) The functions of a consumer service committee within the geographical area, of that consumer service committee are to

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

(2) A public utility or consumer may make representations to a consumer service committee in respect of services in the geographical area of the committee.

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Terms and conditions of appointment of members of a consumer service committee

19. (1) The Commission shall appoint the chairperson and members of a consumer service committee.

(2) A member of a consumer service committee shall hold office for a period of four years and is eligible for re-appointment for another term only.

(3) 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 Tariff Benchmarks for Service

Key tariff benchmarks

20. (1) A public utility engaged in the supply of electricity, natural gas or water shall comply with the

- (a) key tariff benchmarks issued and revised by the Commission to ensure quality of service; and
- (b) applicable standards of performance for the supply of electricity, natural gas or water.

(2) The Commission shall monitor the performance of a public utility against the key tariff benchmarks and the applicable standards of performance for compliance by public utilities.

Emergency Response Plan and Safety Plan

21. (1) A public utility shall develop and file with the Commission, an Emergency Response Plan and a Safety Plan which sets out measures

- (a) to be rapidly deployed by that public utility to ensure a minimum level of service in the event of a natural or man-made disaster or emergency; and
- (b) to safeguard the integrity of the service provided by the public utility.

(2) An Emergency Response Plan and a Safety Plan

- (a) in respect of electricity and natural gas, shall be in accordance with the conditions stipulated in the licence issued by the Energy Commission; and

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(b) in respect of water, shall be as approved by the Commission.

(3) A public utility shall review the Emergency Response Plan and Safety Plan of that public utility, every five years or upon the occurrence of any significant change affecting the sector or the system of the public utility.

Guidelines on refund of contribution by customer and submission of information by public utility

22. (1) The Commission shall issue guidelines to regulate the manner in which a public utility is to refund the contribution of a customer or an applicant to the development or extension of a utility system.

(2) The Commission may request a public utility to submit information that the Commission may require.

Connection of service

23. (1) A public utility shall provide an application form for a new service connection.

(2) The application form shall be in English and contain the terms and conditions upon which the service will be supplied by the public utility.

- (3) A person who applies for a new service connection shall
- (a) comply with the requirements of the public utility as contained in the application form;
 - (b) ensure that any installation at the premises of the applicant is safe for the connection of a service;
 - (c) in the case of electricity or natural gas, ensure that the installation is carried out by a person certified by the Energy Commission; and
 - (d) provide safe and reasonable access for a public utility to provide and maintain the service.

(4) Upon receipt of an application for the connection of a service, a public utility shall provide an estimated charge for the connection

- (a) in the case of electricity or natural gas, within the period prescribed by the Energy Commission in consultation with the Commission; or
- (b) in the case of water, within ten working days.

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(5) Where an applicant pays the required charge, a public utility shall provide the new service connection in accordance with standards of performance prescribed by the Energy Commission or the Commission.

(6) A public utility shall ensure that a connection of a consumer or applicant for a service to the service of that public utility is in accordance with applicable standards and law.

Metering, Billing and Payment

Information relating to metering and billing

24. (1) The Standards Authority shall approve a meter required for use by a public utility.

(2) The Standards Authority shall subject a meter required for use by a public utility, to testing and certification requirements.

(3) A public utility shall file with the Commission, the following information, in English, for the purposes of the metering and billing systems:

- (a) the name, type and technical specifications of meters deployed by the public utility;
- (b) a certification that the metering system meets the minimum requirements and applicable standards by the Standards Authority;
- (c) a description of the manner in which the service is purchased and credited by each meter type;
- (d) a description of the manner in which each type of meter implements the existing tariff structure;
- (e) a sample of receipts for confirmation of purchase or deposits;
- (f) the terms and conditions of service to the customer;
- (g) the procedure for converting from a
 - (i) post-paid service to a pre-paid service; or
 - (ii) pre-paid service to a post-paid service;
- (h) the historical record keeping capacity of the meter;
- (i) the target date for deployment of the metering or billing system, if new; and

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(j) the proposed programme of the public utility to educate customers about the metering or billing system, if new.

(4) Where the billing system is yet to be deployed, the Commission shall review the information and approve the implementation of the billing system before deployment of the system by the public utility.

(5) Where the service required is for electricity or natural gas, the public utility concerned shall simultaneously file the information required under subregulation (1) with the Energy Commission and the Commission.

Prepayment metering

25. (1) A prepayment metering system shall have the capacity to communicate a record of the following to the consumer:

- (a) the calendar date and time;
- (b) the instantaneous estimated consumption of service units computed in Ghana Cedis and the equivalent service units;
- (c) the outstanding estimated balance of service units and the equivalent computed in Ghana Cedis; and
- (d) the consumption of service units by the consumer for the previous month in calendar days.

(2) A prepayment metering system shall have the capacity to inter-communicate and inter-operate with all vending platforms of the public utility.

(3) A public utility shall ensure that a vending facility for the prepayment metering system of that public utility is established in accordance with standards prescribed by the Commission or in the case of an electricity or natural gas public utility, in accordance with standards prescribed by the Energy Commission.

(4) A public utility shall allow a consumer of a public utility to purchase service units or make deposits without discrimination.

- (5) A public utility shall provide a mechanism to
- (a) enable a consumer monitor and manage the rate at which service units are consumed; and

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(b) alert a consumer when the service units or deposit reaches the minimum threshold of the meter.

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

(7) A receipt issued under subregulation (6) shall indicate the

- (a) contact details of the public utility;
- (b) customer name and consumption class;
- (c) customer account number or identity;
- (d) meter identification number;
- (e) service point number;
- (f) date and time of the transaction;
- (g) the amount of the transaction in Ghana Cedis;
- (h) applicable charges and levies;
- (i) number of transactions made in the same month;
- (j) consumption of the preceding month; and
- (k) geographical code.

(8) A public utility shall keep a record of the purchases or deposits for two preceding years in respect of each customer.

Separate meter

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

- (a) the consumer who requests the separate meter is a distinct household but shares a meter with another household;
- (b) the necessary modifications have been made at the premises, to accommodate the separate meter, in accordance with these Regulations;
- (c) facilities exist at the premises of the customer for the public utility to install the separate meter; and
- (d) the customer complies with the requirements of the public utility.

(2) A public utility shall install a separate meter under subregulation (1) in accordance with procedures and standards prescribed by the Energy Commission and the Commission.

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Defective meter

27. (1) A public utility shall investigate a complaint on the operation or accuracy of a meter

(a) in the case of electricity or natural gas, within the period prescribed by the Energy Commission in consultation with the Commission; or

(b) in the case of water, within the period approved by the Commission.

(2) Where a public utility establishes a defect in the operation of a meter, that public utility shall replace the defective meter

(a) in the case of electricity or natural gas, within the period prescribed by the Energy Commission; or

(b) in the case of water, within the period approved by the Commission.

(3) Where a defect in the operation of a meter is caused by a consumer, that consumer shall bear the cost of replacement of the defective meter.

Meter readings

28. (1) A public utility shall read a credit meter in a consistent cycle through

(a) monthly or quarterly meter readings on a specific day of each month; or

(b) bi-annual meter readings at the middle and end of each year.

(2) Despite subregulation (1), a public utility may vary a meter reading by a maximum of three days.

Issuance and delivery of bills

29. (1) A public utility which adopts a bi-annual meter reading referred to in paragraph (b) of subregulation (1) of regulation 28 shall

(a) issue an estimated monthly bill to the customer;

(b) reconcile the estimated consumption with the actual consumption every six months; and

(c) compute and deliver a bill to the customer, indicating the actual charges at the end of the six-month period, using the approved tariff.

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(2) In computing the actual charges, any difference between the estimated consumption and the actual consumption shall be spread over the ensuing six months or a longer period that the public utility considers appropriate.

(3) A public utility shall adjust the charges to a customer on a pro-rata basis where the reading of a credit meter is inconsistent with the usual reading cycle such that the bill of the customer covers a period beyond the usual billing cycle.

(4) A public utility shall deliver a bill to a customer on a credit meter each month by hand, electronic mail or any other appropriate and convenient means.

(5) The bill shall indicate the

(a) consumption or estimated consumption by the customer in the relevant month; and

(b) other applicable charges.

(6) A public utility which fails to deliver a bill to a customer for a period exceeding three months shall give the customer the option to pay the accrued amount through an installment payment plan under regulation 31.

(7) A public utility which fails to bill a customer continuously for twelve months, cannot recover the cost of that service unless the delay in billing

(a) occurred without a failure on the part of the public utility,
or

(b) occurred due to the actions of the consumer.

(8) A public utility shall, within five days of receipt of a request for transaction information by a consumer, furnish that consumer with a statement of the consumer, purchases or deposits and the corresponding dates, charges and payments for the period covered by the summary.

(9) A public utility may use an estimated consumption for billing for a period of not more than six months, where

(a) the meter is not functioning;

(b) the meter is faulty and is registering incorrect consumption;

(c) the public utility does not have any meter in stock;

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- (d) an existing meter has been tampered with; or
- (e) access to the premises is denied for any reason including an act of God, industrial action or locked premises.

(10) In furtherance of subregulation (9), a public utility shall inform the customer concerned.

(11) Where a deficiency under subregulation (9) is remedied and the public utility can read the meter, the public utility shall reconcile the actual consumption with the estimated consumption.

(12) An estimated bill shall be calculated on the basis of a reasonable amount.

(13) Where an estimated bill exceeds the actual consumption of the customer, by more than fifty per cent, the supplier shall treat the customer in accordance with regulation 34.

Payment of bills

30. (1) A public utility shall establish facilities throughout the area of operation for

- (a) payment of bills by consumers,
- (b) enquiries and complaints, and
- (c) other services.

(2) A public utility shall develop different payment schemes to facilitate the collection of the revenue of that public utility.

(3) A consumer shall upon receipt of a bill, settle the bill within a reasonable time and in any case, by the due date indicated by the public utility.

(4) Where a cheque payment is dishonoured by a bank resulting in the public utility incurring a bank charge, the public utility

- (a) shall recover the bank charge from the consumer; and
- (b) may withdraw the right of the consumer to pay bills by cheque.

Payment by instalment

31. (1) A consumer may settle an accumulated bill through an instalment payment plan agreed on by the public utility and the consumer, where the public utility

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- (a) fails to deliver a bill to the consumer for a period exceeding three months; or
- (b) undercharges the consumer.

(2) Where the public utility and the consumer are unable to agree on a payment plan, the public utility or the consumer may refer the matter to the Commission for resolution.

Disputed bill

32. (1) A public utility shall review and reconcile a bill which is disputed by a consumer.

(2) The consumer shall pay any undisputed portion of the bill.

(3) Where the entire bill is in dispute, the consumer shall pay a reasonable amount agreed between the consumer and the public utility until the public utility reconciles the bill.

(4) Where it is established after review, that the bill is accurate, the consumer

(a) shall pay the bill; or

(b) may request for an instalment payment plan in accordance with regulation 31.

Undercharging of consumption

33. (1) Where a public utility undercharges a consumer, that public utility

(a) shall inform the customer of the undercharge; and

(b) may subsequently take steps to recover the shortfall.

(2) Where a public utility decides to recover the shortfall, the public utility shall give the consumer the option to pay the shortfall by an instalment payment plan in accordance with regulation 31.

(3) In recovering the shortfall, a public utility shall not charge interest on the amount due, except as provided under subregulation (6).

(4) The duration of the instalment payment plan under subregulation (2) shall be equivalent to the period of the undercharge or a maximum period of twelve months whichever is less.

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(5) A public utility which undercharges a consumer continuously for more than twelve months is entitled to recover the shortfall if the undercharging

- (a) was not due to the failure on the part of the public utility; or
- (b) occurred due to the actions of the consumer.

(6) Where a public utility establishes that a consumer is illegally using the service or has otherwise caused the public utility to undercharge the consumer, the public utility shall recover the shortfall and related penalties or interest as determined by the Commission.

Overcharging of consumption

34. (1) A public utility shall not overcharge a consumer.

(2) Where a public utility overcharges a consumer, the public utility shall

- (a) immediately take steps to correct the bill; and
- (b) after correcting the bill, immediately credit the utility account of the consumer with the full amount overcharged and inform the consumer accordingly.

(3) A consumer is entitled to interest on an overcharged amount at a rate determined by the Commission, if the consumer is overcharged continuously for three months or more.

Vacation, disposal and acquisition of premises

35. (1) A person who acquires or rents premises, shall check the status of the utility bills for the premises and immediately inform the public utility of any irregularities including the non-payment of previous bills.

- (2) A consumer who intends to vacate or dispose of premises shall
 - (a) notify the public utility at least ten working days before vacating or disposing of the premises, for a final reading of the meter or disconnection of supply as appropriate; and
 - (b) provide an address to which the last bill of the consumer may be sent.

(3) The notice to be given under subregulation (2), shall be in writing, delivered to the public utility, and acknowledged by the public utility.

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(4) A consumer who fails to comply with subregulations (2) and (3) is liable to pay for the service supplied to the premises before vacation and during the period the premises remains vacant.

(5) Where the consumer gives notice of less than ten working days, and the public utility is unable to read the meter or disconnect supply before the consumer vacates or disposes of the premises, the consumer is liable for payment for the service supplied to the premises up to the date of disconnection.

(6) Where a public utility is duly notified by a consumer but fails to read the meter or disconnect supply within ten working days of the receipt of the notice, the consumer shall not be liable for payment of the service supplied to the premises after the consumer has vacated the premises.

(7) Where the consumer fails to pay the amount on the last bill, after fourteen working days of receipt of the bill, the amount shall be transferred to the new or other account of the consumer with that public utility and the public utility shall be entitled to recover the amount as a debt.

Deposits

36. (1) A public utility may request a cash deposit as a condition precedent to providing a service offered by the public utility.

(2) The amount of the deposit shall be calculated using the estimated monthly consumption agreed on by the customer and the public utility as a guide.

(3) A public utility may draw upon the deposit and offset the deposit against any outstanding bill that is not in dispute.

(4) Where the public utility does not draw upon the deposit for six months, the public utility shall refund the deposit with interest, at the expiration of six months, in accordance with section 28 of the Act.

(5) In respect of an industrial or commercial customer, the public utility may request a bank guarantee in addition to a deposit.

(6) Where an industrial or commercial customer consistently pays the requisite bills over a period of six months, the public utility shall release the bank guarantee to the customer at the expiration of the sixth month.

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Disconnection of service

37. (1) A public utility may disconnect service to a consumer where the consumer

- (a) requests the disconnection;
- (b) fails to pay a bill for the service for more than fourteen days from the date of the demand for payment by the utility; or
- (c) defaults on an agreed payment schedule for the service.

(2) A public utility that seeks to disconnect a service under paragraphs (b) and (c) of subregulation (1) shall give the consumer written notice of disconnection, at least three working days before disconnecting the service.

(3) The form of a notice issued under subregulation (2) to disconnect a service, shall be approved by the Commission.

(4) A public utility may disconnect a consumer from the service mains of that public utility without notice where

- (a) the consumer tampers or interferes with utility equipment or a meter or permits another person to tamper or interfere with utility equipment or a meter;
- (b) the consumer illegally connects the service or allows the service to be used in a manner that interferes with the supply of the service to others;
- (c) the consumer uses a service which was legally connected in an unauthorised manner;
- (d) the consumer refuses to allow an employee or agent of the public utility to read a meter or check utility equipment when the employee or agent of the public utility or agent has followed the procedures prescribed in the Customer Charter for obtaining access;
- (e) a part of the apparatus or equipment connected with the supply to the premises of that consumer becomes defective or unsafe;
- (f) the disconnection is necessary for maintenance or repair work; or
- (g) the disconnection is necessary to remedy or address an emergency or safety issue.

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- (5) A public utility shall not disconnect service where the consumer
- (a) has lodged a complaint with the public utility or the Commission in respect of a disputed bill; and
 - (b) has paid or continues to pay a reasonable amount as agreed by the parties or determined by the Commission.

Time for disconnection of service

38. (1) Subject to these Regulations, a public utility may disconnect service to a consumer only between the hours of 8.00 a.m. and 5.00 p.m. from Monday to Thursday.

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

(3) Despite subregulation (1), a public utility shall not disconnect a 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 persons or property; or
- (c) during an emergency situation on or related to the premises of the consumer.

Interruption of supply of service

39. (1) A public utility may interrupt service to a locality or service to a consumer for the purpose of carrying out planned maintenance, repair or installation of new equipment.

(2) Except in a situation of an emergency, the public utility shall not interrupt a service unless the public utility notifies affected consumers of the intended interruption and the approximate duration.

(3) The notification by the public utility shall be by way of

- (a) a public notice;
- (b) directly by
 - (i) telephone;
 - (ii) electronic mail; or
 - (iii) satellite phone broadcast; or

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(c) any other appropriate information technology system.

(4) The public notice shall be given for a period of not less than three working days before the interruption of service.

(5) A public utility that interrupts service to a locality or to a consumer shall restore the service after the period stipulated by the public utility.

Protection for special persons

40. (1) A public utility shall offer a consumer an instalment payment plan under regulation 31 where the consumer demonstrates the inability to pay a bill, in the circumstances under subregulation (2).

(2) For the purpose of subregulation (1), the public utility shall offer a consumer an instalment payment plan where

(a) the public utility is aware that the consumer is

(i) aged sixty-five years or above; or

(ii) disabled; and

(iii) the only adult who resides in the premises;

(b) a qualified medical practitioner certifies a medical emergency at the premises of the consumer which will be aggravated by the lack of a service; or

(c) the premises of the consumer is registered as a health facility, home care facility for the aged or a residential education facility.

(3) Where a public utility intends to disconnect a consumer in circumstances under subregulation (1) and the consumer defaults on the payment plan, the public utility shall give the consumer at least twenty-one days written notice before disconnecting the service.

(4) In the case of a health facility, home care facility for the aged or residential education facility, the notice shall be served on the principal officer of the facility.

Wrongful disconnection of service

41. A disconnection of a service is wrongful, if

(a) a consumer is unable to load a prepayment card which is not due to the fault of that consumer;

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- (b) a public utility blocks a prepayment card of a consumer without just cause as determined by the Commission; or
- (c) the disconnection of the service is carried out in a manner contrary to regulation 37, 38 or 40.

Reconnection

Reconnection of service

42. (1) Where a public utility disconnects a service to a consumer for non-payment of bills, that public utility shall reconnect the service within twenty-four hours after the payment of

- (a) the full amount owed or the first instalment under an agreed instalment payment plan;
- (b) the applicable reconnection charge, and where applicable, interest on the amount as approved by the Commission; and
- (c) other lawful charges related to the service.

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

(3) Where the service was disconnected for maintenance, repair work or safety reasons, the public utility shall reconnect the service

- (a) in the case of electricity or natural gas in accordance with the standards prescribed by the Energy Commission for reconnection; or
- (b) in the case of water, as determined in accordance with Guidelines issued by the Commission.

Order by Commission for reconnection of service

43. The Commission may order the reconnection of a service by a public utility, where

- (a) the service was disconnected in error;
- (b) a complaint on billing has been lodged with the Commission and any undisputed bill has been paid; or
- (c) the Commission is satisfied that the circumstances necessitate the reconnection.

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Enforcement and Sanctions

Sanctions against consumer

44. Where a consumer contravenes a provision of these Regulations, the public utility concerned may

- (a) in the case of an applicant for a new connection, refuse to connect the applicant to the utility system;
- (b) in the case of a consumer already connected to the network of the public utility, disconnect service to the consumer;
- (c) in the case of an illegal connection, impose on the consumer a penalty which is approved by the Commission;
- (d) in the case of excavation, tampering, interference or damage to a utility installation or equipment, impose on the consumer a surcharge which is approved by the Commission;
- (e) demand that the customer pays an advance deposit before the service is provided;
- (f) publish a list of defaulters in a daily newspaper of nationwide circulation except that in the case of publication for non-payment, the public utility has a duty to accurately reconcile the accounts of the public utility before publication; or
- (g) employ any other lawful means to secure compliance by the consumer.

Sanctions against public utility

45. (1) Where a public utility contravenes a provision of these Regulations or a directive or order of the Commission, the Commission may impose a regulatory charge on that public utility as specified in the Schedule.

(2) Without limiting subregulation (1) the Commission may order a public utility to pay a reasonable compensation to a consumer for the contravention.

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

(4) The Commission may in addition, issue further orders to secure compliance.

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(5) A public utility is not in breach of these Regulations, if the provisions do not apply to the core business and activities of the public utility.

(6) For the purpose of this regulation, “regulatory charge” means an administrative penalty to be imposed by the Commission for breach of a provision of these Regulations.

Exceptions to compensation payment

46. 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) an act of God;
- (b) the inability to gain access to the premises of the consumer despite reasonable effort made by the public utility;
- (c) industrial action by employees of the public utility, subject to the Labour Act, 2003 (Act 651);
- (d) a frivolous or vexatious complaint;
- (e) the breach of an enactment would have occurred if the public utility took the action; or
- (f) the failure by the consumer to pay a charge required to be paid before an action was taken.

Enforcement actions by the Commission

47. (1) The enforcement of these Regulations or a directive or order by the Commission shall be in accordance with 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; or
 - (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.

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Enforcement of decision of the Commission by Court

48. The Commission may in accordance with section 32 of the Act, apply to the High Court for the enforcement of a decision or a directive of the Commission.

Miscellaneous Provisions

Reporting requirements

49. (1) 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 or any other relevant enactment;
- (b) submit to the Commission in the prescribed form, separate technical and financial reports containing proper records of the performance of the public utility over the relevant period, including the performance against the key performance indicators and tariff benchmarks.

(2) A report required 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;
- (c) an annual technical and financial report shall be submitted within three months after the end of each operational year; and
- (d) any other reports shall be submitted as may be determined by the Commission.

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

Interpretation

50. In these Regulations, unless the context otherwise requires, "customer" means a person who contracts to purchase a service from a public utility;

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“Customer Charter” means a written policy of a public utility containing the minimum service standards that that public utility will adhere to to provide a service;

“illegal connection” includes

- (a) meter by-pass;
- (b) tampering with a meter; and
- (c) the use of inline pumps;

“investment plan” includes the detailed schedule of investment projections and financial plans of a public utility, for the purpose of expansion or enhancement of the network or assets of the public utility to achieve specific short term or long term objectives towards improvement in efficiency and reliability of service;

“reasonable amount” means

- (a) where a service has been provided for a period of not less than twelve months, the amount based on the average units used by a consumer over the preceding twelve months;
- (b) where a service has been provided for less than 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 the estimated load or estimated consumption by the customer to the public utility in the service application form;

“service units” mean the smallest volume of measurement of the product supplied by a public utility

- (a) in the case of electricity, one kilowatt hour (kWh);
- (b) in the case of natural gas, one British Thermal Unit (btu); and
- (c) in the case of water, one cubic metre (m³); and

“vending facility” means a public utility customer service centre or a third-party facility where service units may be purchased.

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Revocation

51. 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); and
- (c) Public Utilities (Consumer Service Committee) Regulations, 2002 (L.I. 1704A).

Transitional provision

52. A public utility which operates a prepayment metering system before the coming into force of these Regulations, may maintain the vending platforms in use, in relation to that prepayment metering system, for a period of not more than three years after the coming into force of these Regulations.

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SCHEDULE
(regulation 45 (1))
REGULATORY CHARGES

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

MR. MICHAEL OPAM
Chairman of the Commission

Date of *Gazette* notification: 11th August, 2020.

Entry into force: 3rd November, 2020.