**CHAPTER TWO: 2.0 THE NIGERIAN ELECTRICITY SECTOR**

**2.1 INRTODUCTION**

The demand for electricity is inevitable in every nation of the world. The increase in the demand and supply of electricity has been said to be the means of enhancing national productivity as well as economic development.[[1]](#footnote-1) The more the electricity is being demanded, the higher is the need for electricity consumers’ protection and adequate access to their rights.

The Nigeria electricity sector, just like some developed countries has embraced an unbundled electricity sector. And the major aim behind this is to move the Nigerian power sector from a state monopoly to a competitive electricity market.[[2]](#footnote-2)

The unbundling process necessitated the legal and regulatory regime in the sector, which directly and indirectly provide for or affect the rights, protection and other issues which resolve around the electricity consumers.

This chapter will look into the Nigeria electricity sector (history and development), including the legal framework of the sector and as well as the concept of electricity consumer.

**2.2 AN OVERVIEW OF THE NIGERIAN ELECTRICITY SECTOR**

Electricity emerged in Nigeria during the British colonial rule in 1986 at Ijora, Lagos state.[[3]](#footnote-3) Since then, the sector has witnessed series of regimes and development, both in terms of legal and regulatory.

The first regulatory regime witnessed by the sector is the Nigerian Electricity Supply Company (NESCO) which began operation in 1929. Follow by the establishment of a central body called the Electricity Corporation of Nigeria (ECN).[[4]](#footnote-4) The NESCO was established pursuant to the *Electricity Ordinance Act of 1929*[[5]](#footnote-5), while the ECN was established pursuant to the *Electricity Corporation Ordinance*.[[6]](#footnote-6)

As at the time of the establishment of both the NESCO and ECN, the major source of energy generation in Nigeria was water through dams. As a result of this, the Niger Dams Authority (NDA) came into force. The NDA was responsible for the building and upkeep of dams in Nigeria, they also produced hydro-based electricity, and sold the power produced to the ECN for distribution to consumers.[[7]](#footnote-7) This went on for years till 1972 when the ECN and NDA was merged as a result of the promulgation of a military decree called the *National Electric Power Authority Decree No. 4[[8]](#footnote-8)*, and a new body known as the National Electric Power Authority (NEPA) was formed. This new body (NEPA) replaced both the NDA and ECN.

In Nigeria, NEPA was responsible for monitoring the supply and generation of electricity for years, even up till now, electricity users still refer the Distribution Companies (Discos) as NEPA. This is evident with the elated expression of users (UP NEPA!) when power is being brought up. In the late 2000s, NEPA was changed to the Power Holding Company of Nigeria (PHCN)

NEPA was criticized to have been unsuccessfully managed the electricity sector, one of the issues was insufficient power supply.[[9]](#footnote-9) This made the Nigerian public gave several humorous meaning for NEPA plc “Never Expect Power Always, Please Light Candle”.

The electricity consumers’ journey from ECN to PHCN was said to be a bad experience, as the series of transformations and reforms which the sector went through yield no positive outcome in the adequate management of the sector.[[10]](#footnote-10)

The lack of efficiency in the management of the sector by the PHCN and its predecessors forced the Nigerian government to take step in the privatization of the sector. The radical step taken by the government led to the enactment of the Electric Power Sector Reform Act, EPSR Act 2005.[[11]](#footnote-11) This Act called for unbundling the sector into series of successors, generation companies, distribution companies, and a national power transmission company.[[12]](#footnote-12) These companies are being granted to the Bureau of Public Enterprises (that is, the privatization arm of the federal government) and the Ministry of Finance Incorporated.[[13]](#footnote-13)

The PHCN finally ceased to exist following the privatization process and another body known as the Nigerian Electricity Regulatory Commission (NERC) was established as provided in the EPSR Act 2005.[[14]](#footnote-14) The NERC duties which include monitoring and regulating the Nigerian electricity industry, with issuing licenses to participants, and with ensuring compliance with market and operating rules.[[15]](#footnote-15)

Since the enactment of the EPSR Act and the establishment of NERC, the Nigerian electricity sector is a privatized entity and the 12 distribution companies (Discos) are responsible for the supply of electricity across all the 36 states of the country while the NERC served as the apex regulatory agency which carries out its roles and functions as empowered by the EPSR Act 2005.

**2.3.0 THE LEGAL FRAMEWORK OF THE NIGERIAN ELECTRICITY SECTOR**

From the time of the emergence of electricity in Nigeria, till the present time, the Nigeria electricity sector has witnessed series of legal framework. However, this head will focus on the extant legal framework of the Nigerian electricity sector, which is the Electric Power Sector Reform Act (EPSR ACT), 2005, which has been amended as a result of the Introduction of the Electric Power Sector Reform (EPSR) Bill 2022.

Before the enactment of the EPSR ACT, several legislations which provide for laudable provisions on the Nigeria electricity sector[[16]](#footnote-16), however, the EPSR Act, was enacted as a result of the failure in the efficiency of those legislations as well as the regulatory bodies. The EPSR Act was enacted to promote competitive market in the electricity sector and also, to suit the privatization of the sector.

The major reason behind the enactment of the EPSR Act, 2005, can be deduced from the background provisions of the Act, which provides as follows;

An Act to provide for the formation of companies to take over the functions, assets, liabilities, and staff of the National Electric Authority, to develop competitive electricity markets, to establish the Nigerian Electricity Regulation Commission; to provide for the licensing and regulation of the generation, transmission, distribution and supply of electricity; to enforce such matters as performance standards, consumer rights and obligations; to provide for the determination of tariffs; and to provide for related matters.[[17]](#footnote-17)

From the above provision, it can be deduced that the EPSR Act covers generation, transmission, distribution and supply of power to the consumer, and also make provisions for the protection and the enforcement of the interests and rights of the electricity consumers.[[18]](#footnote-18)

The Electricity Power Sector Reform Act also establishes the Nigerian Electricity Regulatory Commission (NERC) as the regulatory agency of the sector.[[19]](#footnote-19) Its duties include monitoring and regulating the Nigerian electricity industry, with issuing licenses to participants, and with ensuring compliance with market and operating rules.[[20]](#footnote-20)

Apart from the NERC, EPSRA also established an agency to be known as the Rural Electrification Agency (REA), which is a corporate body possessing the capacity to sue and be sued[[21]](#footnote-21) and also with the duty to administer the Rural Electrification Fund (REF),[[22]](#footnote-22) a designed fund to promote, support and provide rural electrification program through public and private sector participation. The Rural Electrification Fund purpose is to:

1. Achieve more equitable regional access to electricity;
2. Maximize the economic, social and environmental benefits of rural electrification subsidies;
3. Promote expansion of the grid and development of off grid electrification; and
4. Stimulate innovative approaches to rural electrification; provided that no part of the Rural Electrification Fund be used as subsidies for consumption.[[23]](#footnote-23)

The Act provides for consumer protection and requires high performance standards by the operators to engender maximum utility and safety to consumers of electricity.[[24]](#footnote-24)

**2.3.1 AN OVERVIEW OF THE ELECTRICITY REFORM (AMENDMENT) BILL 2022**

The Nigeria National Assembly on July 20 2022, passed a new Bill on Electricity Reform. The Bill is to repeal the EPSR Act and aim at promoting a good and adequate running of the Nigeria Electricity Supply Industry (NESI). One of the major reasons that geared the passage of the Bill was that the Nigeria Electricity Supply Industry (NESI) needs a thorough re-design, as the single market structure operated since the passage of the EPSRA in 2005 has failed to deliver steady, suitable and affordable electricity to millions of Nigerians.[[25]](#footnote-25)

The 2022 Bill provides for renewable energy by complying with the provision of section 62(2) of the EPSRA 2005, which provides that licenses would not be required for persons who want to generate power below one megawatt.[[26]](#footnote-26)

The Bill reinstates the constitutional provision under which states are authorized to make laws with regards to the establishment and management of electric power stations in their States as well as the generation, transmission and distribution of electricity to areas “not covered” by a national grid system “within” the State.[[27]](#footnote-27) The Bill further provides for areas of collaboration between State Governments, the Federal Government and the private sector. While the bill’s scope extends to all parts of the Federation, it recognizes the State Assemblies’ power to legislate on electricity and clearly states that such laws made within the scope of the Constitution, shall not be invalidated by the bill.[[28]](#footnote-28)

The Act also provides for electricity theft. It introduces penalties such as prison terms and fines for theft of electricity, bypass of meters, theft of electrical lines and materials, disruption of power supply, damage to public streetlights, etc. This is particularly important as the extant Electric Power Sector Reform Act is incomplete on the issue and electricity theft has led to significant loss of revenue in the industry.[[29]](#footnote-29)

Under the Bill, NERC remains the regulator of the power sector as the bill introduces new clauses to give power to the Nigerian Electricity Regulatory Commission (NERC) to sanction electricity distribution companies (DisCos) and other licensees of NERC for acts of default or non-compliance. Specifically, the bill proposes to give NERC broad powers to either suspend and or revoke the licenses issued to DisCos for infractions. This is really a most welcome development that would hopefully curb the widespread market indiscipline that has sadly characterized the NESI.[[30]](#footnote-30)

**2.4 SUMMARY OF THE CHAPTER**

This chapter has explained the history and development of the Nigerian electricity sector. Since electricity was first produced in Ijora in 1986, the journey of electricity regulation and governance in Nigeria has been a twisted and rough one, ranging from the era of the Nigeria Electricity Supply Company (NESCO) to the present era of the Nigerian Electricity Regulatory Commission (NERC) which is governed by the Electric Power Sector Reform Act, 2005. The Era of National Electric Power Authority (NEPA) was criticized for poor power generation, transmission and distribution in Nigeria, this led to the emergence of the NERC and EPSRA 2005. However, this issue of poor power generation and distribution has not been totally solved and the issue is still in place in today’s Nigerian electricity sector.

This chapter at the same time, has also looked into the concept of the electricity consumer in Nigeria in line with the provision of EPSRA.

**CHAPTER THREE: 3.0 RIGHTS OF ELECTRICITY CONSUMER**

**3.1 INTRODUCTION**

In Nigeria, pursuant to the enactment of the Electric Power Sector Reform Act[[31]](#footnote-31) and various Regulations of the Nigerian Electricity Regulatory Commission (NERC), the electricity consumers are entitled to some rights and protection under the law. These rights serve as their fundamental entitlements as the users of power in Nigeria.

Consumers of each sector of the economy are entitled to certain rights and protection, as every citizen is entitled to the fundamental human rights. Thus, electricity consumer rights are enjoyed solely by the consumers in the electricity sector.

This chapter will look into and examine various rights and protection which the electricity consumers are entitled to in Nigeria as well as the issues that arise therein.

**3.2 THE CONCEPT OF CONSUMER IN VIEW OF THE NIGERIAN ELECTRICITY SECTOR**

In the Nigerian electricity sector, electricity consumers are considered important, since they are the major or sole users and consumers of power.

Electricity consumer is defined under the Electricity Power Sector Reform Act[[32]](#footnote-32) as follows:

Any end-user of electricity who is a customer of a distribution licensee that is not an eligible customer and, for purposes of filing a complaint with the Commission and for any other reason that the Commission may determine, a person who is temporarily disconnected or otherwise without service, provided that a person who has applied for, but has yet to receive, service shall also be deemed to be a consumer”[[33]](#footnote-33)

From the above definition, it can be said that electricity consumers are end-users of electricity who are customers of a distribution license. By inserting the word *customer,* it shows that electricity consumer is also a customer of electricity.[[34]](#footnote-34)

The provision also makes it clear that a person whose power is temporarily disconnected, or a person who has applied for service but has yet to receive it is a consumer of electricity.

Also, the definition provides for the word *eligible customer.* As a result of this, it can be said that the Act appears to have characterized electricity consumers into more categories (that’s; eligible and ineligible customers)*.[[35]](#footnote-35)* According to s. 27 of the Act, a customer is an eligible customer pursuant to the issue of directive by the Minister to the Commission, specifying that such customer from time to time shall constitute eligible customer under the Act.[[36]](#footnote-36)

Thus, electricity consumer is anybody that’s receiving power from a distribution company. The rationale behind the definition is to know who are and not entitled to electricity rights and protection, as it is only electricity consumers that are entitled to those rights and protection in the sector.

**3.3.0 THE ELECTRICITY CONSUMER RIGHTS AND PROTECTION IN NIGERIA**

Generally in Nigeria, the body that is responsible for the consumer right and protection is the Federal Competition and Consumer Protection Commission (FCCPC) which was established and governed by the Federal Competition and Consumer Protection Act (FCCPA).[[37]](#footnote-37) The FCCPA generally provides for certain rights of the consumers in Nigeria which must be observed.[[38]](#footnote-38)

The EPSRA 2005, and the NERC are the legal framework and the regulatory body of the electricity sector and which are particularly responsible for the provisions and protection of the rights of electricity consumer in Nigeria.

Therefore, the rights of electricity consumer in Nigeria will be examined under three (3) legal frameworks, viz: the Federal Competition and Consumer Protection Act, The Electric Power Sector Reform Act and some specific NERC Regulations.

**3.3.1 Rights and Protection of the Electricity Consumer under the Federal Competition and Consumer Protection Act, 2018**

The rights that will be examined under the FCCPA are the general rights and protection of consumers in Nigeria.

The FCCPA repealed the Consumer Protection Council Act, 1992 (CPCA).[[39]](#footnote-39) The FCCPA specifically seeks to protect and promote the interests and welfare of consumers with wider variety of quality products at competitive prices.[[40]](#footnote-40)

The FCCPA established the Federal Competition and Consumer Protection Commission[[41]](#footnote-41) which is responsible for initiating broad based policies and review economic activities in Nigeria to identify anti-competitive, ant-consumer protection and restrictive practices which may adversely affect the economic interests of consumers and make rules and regulations under the Act with regards to competitions and protection of consumers.[[42]](#footnote-42)

Section 130 and section 131 of the Act provide for certain rights of consumer. The latter section[[43]](#footnote-43) provides for rights pertaining to the quality and safety of goods and services. It guarantees the consumer’s right to the timely performance and completion of those services, and timely notice of any unavoidable delay in the performance of the services.[[44]](#footnote-44) Subsection (2)(b) of section 130 provides as follows:

“Where an undertaking fails to perform a service to the standards contemplated in subsection (1), the consumer may require the undertaking to either remedy any defect in the quality of the services performed or goods supplied, or refund to the consumer a reasonable portion of the price paid for the services performed and good supplied, having regard to the extent of the failure.”

Section 131 of the Act guarantees the consumer’s rights to receive goods that are of good quality, in good working order and free of defects.

The above provisions are also applicable to electricity consumers. They are entitled to a good and safe electricity.

**3.3.2 Rights and Protection of the Electricity Consumers under the Electric Power Sector Reform Act (EPSRA), 2005**

The Electric Power Sector Reform Act is the principal legislation for the regulation of the Nigerian electricity sector.

The Act established the Nigerian Electricity Regulatory Commission (NERC).[[45]](#footnote-45) The Act stipulates the functions of NERC to include establishing consumer rights and obligations regarding the use and provision of electricity services in Nigeria.[[46]](#footnote-46)

Aside vesting power of consumer rights and protection in the NERC, the EPSRA under Part IV which provides for License and Tariff of the Act gives some laudable provisions on consumer protection. The Act provides that no person except in accordance with a licensed issued pursuant to this Act shall construct, own or operate an undertaking or in any way engage in any business of electricity transmission distribution.[[47]](#footnote-47) This provision ensures a tight regulation of the sector in order to avoid indiscriminate exploitation of the electricity market by unlicensed operators to the detriment of the consumers. [[48]](#footnote-48)

Part VI of the Act provides for consumer protection standards and empowers the NERC to develop in consultation with the licensees, consumer service standards and other matters which are necessary for the protection of the consumers.[[49]](#footnote-49)

Also, in order to ensure that consumers are adequately protected, the EPSRA 2005 in section 80(3) provides that NERC shall establish standards for compensation to consumers who do not enjoy regular supply. The Act also further provides for the establishment of the “Power Consumer Assistance Fund” for purposes of subsidizing underprivileged electricity consumers as specified by the Minister.[[50]](#footnote-50)

**3.3.3 Rights and Protection of the Electricity Consumers under NERC Regulations**

As disused earlier, EPSRA vested power to make regulations regarding consumer rights and protection in the NERC.[[51]](#footnote-51) In line with this, NERC made many regulations on electricity consumer protection and rights. Examples of these Regulations are; Customer Complaint Handling: Standards and Procedure 2006, Connection and Disconnection Procedures for Electricity Services 2007, Meter Reading, Billing, Cash Collections and Credit Management for Electricity Supplies Regulations 2007, Customer Service Standards of Performance for Distribution Companies 2007 etc.

The above mentioned NERC Regulations ensure protection of consumers and also provide for a good and adequate supply of electricity. For instance, NERC Regulation on **Connection and Disconnection Procedures for Electricity Services 2007** provides that a power distribution company (Disco) can only disconnect supply to a customer when the customer has not paid the amount correctly billed as at the relevant payment date, which must not be less than 10 working days from the date of delivery of the bill and the period between the payment date and the date of disconnection is not less than three months. Any Disco that violates this provision commits an offence and is liable to penalty.[[52]](#footnote-52)

Also, **Customer Complaint Handling: Standards and Procedure 2006,** aims to protect electricity consumers from issues like defects in electricity services by the licensees and other electricity trading companies. It also allows for the consumers to make complaint where there is defect or deficiency about electricity services.[[53]](#footnote-53)

**The Meter Reading, Billing, Cash Collections and Credit Management for Electricity Supplies Regulations 2007** provides for adequate reading of meter by distribution companies in order to ensure appropriate billing of electricity consumers. The Regulation mandates every Distribution Company to obtain an actual reading of all meters in all supply addresses within its areas of operations every month but not less than once in every three months.[[54]](#footnote-54)

**The Customer Service Standards of Performance for Distribution Companies 2007** provides for how the Distribution Company is to handle customers’ requests and demands efficiently and within reasonable time.[[55]](#footnote-55) According to the Regulation, whenever a customer notifies the Disco within working hours that electricity supply to their premises has gone off, the Disco shall send its authorized representative to visit the customer’s premises and find out what might have caused the problem.[[56]](#footnote-56)

**The following among others are electricity consumers’ rights in Nigeria:**

1. right to electricity service[[57]](#footnote-57)
2. right to transparent billing[[58]](#footnote-58)
3. right to refund overbillings[[59]](#footnote-59)
4. right to accurate meter[[60]](#footnote-60)
5. right to notice prior disconnection[[61]](#footnote-61)
6. right to reconnection upon payment[[62]](#footnote-62)
7. right to file complaint.[[63]](#footnote-63)

Electricity consumers in Nigeria are entitled to the above rights. These rights are extensively contained in various NERC’s Regulations as earlier discussed.

In addition to the EPSRA and NERC, the National Assembly for the purpose of ensuring efficient and delivery of safe and reliable electricity supply for the protection of lives and property enacted the Nigerian Electricity Management Services Agency Act of 2015 with the establishment of a regulatory body which is the Nigerian Electricity Management Services Agency (NEMSA).

**3.4 SALIENT ISSUES IN THE ELECTRICITY CONSUMER RIGHTS**

Issues like breach of rights may occur in the Nigerian electricity Industry. This can occur where a Distribution Company (Disco) violates any provisions of the EPSRA or NERC Regulations which guarantees the rights of electricity consumer.

An example of the above instance can be illustrated from the case of *Jos Electricity Distribution Company v. Barr. Dasat Lengnan John.[[64]](#footnote-64)* In the case, the plaintiff (Barr. John), sued the Jos distribution company before the High Court of Plateau State for unlawfully disconnecting his electricity without notice and which is contrary to the laid down procedure on disconnection of electricity as provided in Connection and Disconnection Procedures for Electricity Services 2007. The plaintiff sought for an order of mandamus compelling the Jos electricity distribution company to reconnect his electricity and also claimed for the damages of 10 million Naira.

The Jos distribution company argued that it is a private company and therefore cannot be compelled by order of mandamus. The court while giving its judgment recognized the fact that the Jos distribution company violated the laid down rule regarding disconnection of electricity, but upheld the fact that an order of mandamus cannot be made against a private company.

The court further stated that the Jos distribution company is not mere private enterprise and that by sections 63 and 67 of the EPSRA, the company is under statutory duty to connect consumers for the purpose of receiving the supply of electricity. According to the court:

…..A consumer can successfully maintain an action against any electricity distribution company where his right has been violated, and the plaintiff respondent has a right to seek for an order of mandamus to compel the defendant applicant to carry out its duty, which is to reconnect the electricity supply of the applicant respondent in his residence.”

Also, another issue which can occur is when a consumer doesn’t enjoy electricity supply and the distribution company is still billing the consumer.

It is trite that a consumer who does not enjoy electricity supply cannot be billed for the electricity he didn’t consume. This can be illustrated from the case of **EVANGELIST ALFRED AMBE**

**BASSEY V. POWER HOLDING COMPANY OF NIGERIA (PHCN) AND ORS,[[65]](#footnote-65)** where the plaintiff’s meter got burnt and the plaintiff reported the incident to the PHCN’s office, but they did nothing about the report. The plaintiff later surrendered the burnt meter as instructed by the PHCN. After this, the PHCN were still sending bills to the plaintiff in respect of the burnt meter that he surrendered. The plaintiff sued and it was held among others that the action of the PHCN can only be justified where there is proper service delivery or actual reading of the electricity consumed, and it will amount to extortion for PHCN to prepare bills based on estimated consumption and expect such bills to be settled by the consumers when they have not enjoyed their services by providing uninterrupted power supply.

Most of the electricity legal framework (including NERC’s Regulations) tend to address the above issues. NERC and the Distribution Companies are empowered to guarantee the protection and rights of electricity consumers and consumer complaints must be adequately addressed within a reasonable time.

**3.5 MECHANISMS FOR DISPUTE RESOLUTION IN THE POWER SECTOR**

The NERC’s Customer Complaint Handling: Standards and Procedure 2006 gives the consumers the right to file a complaint when necessary.

There is a dispute resolution mechanism as provided under the Customer Complaint Handling: Standards and Procedure 2006. The Regulation mandated every Distribution Company to establish a Customer Complaint Unit (CCU) in its premises.[[66]](#footnote-66) By virtue of regulation 3(1), every CCU established shall have responsibility for receiving and resolving customer complaints. Each customer complaint unit shall be headed by a senior officer of the distribution company and staffed by other employees as appropriate. The Chief Executive Officer of the distribution company shall be responsible for ensuring that consumer complaints are satisfactorily resolved and that the lessons learnt from such complaints resolution are registered and included in the distribution company’s operational procedures.[[67]](#footnote-67)

The customer shall lodge a complaint in writing and complaint can also be lodged online, that is, through email, by sending the complaint to the official email address of the distribution company.[[68]](#footnote-68) An illiterate customer shall have his/her complaint recorded and duly authenticated by the recorder who shall read same over to him/her for confirmation.[[69]](#footnote-69)

According to regulation 3(8), all complaints shall be resolved and consumer shall be notified expeditiously but not more than 15 working days from the receipt of such complaint. Any customer who is not satisfied with the outcome of the handling of his/her complaint or encounters delay or failure in the handling of such complaint may refer to the Forum.[[70]](#footnote-70)

The Regulation in reg 4(1) provides for the establishment of a Forum for hearing and resolving consumer complaint in the operational area of every distribution company. The Forum jurisdiction extends to customer complaint within the entire operational area of the Distribution Licensee, but the jurisdiction of the Forum is limited to offences specified in sections 93 and 94 of the EPSRA, which false declaration and some other offences like contravention of the provision of the Act.[[71]](#footnote-71)

Apart from the Forum and Customer Complaint Unit (CCU) explained above, litigation can also be resulted into, as parties can proceed to court for determination of his civil rights and obligation as provided under the 1999 CFRN.[[72]](#footnote-72)

However, the question that arises is Who Can Sue? This question often arises in a situation whereby the owner of the house is different from the people living there, example is the case of landlord and tenant.

This question of who can sue was answered by the court in the case of **MR. S.A. AMADI & ORS V. ENGINEER EFFIONG A. ESSIEN.[[73]](#footnote-73)** In the case, the respondent who was a tenant sued the NEPA without joining his landlord. The NEPA contended that the landlord was the ‘registered customer’ and that the tenant didn’t have the right to sue without his landlord in the suit. The court disagreed with the NEPA’s contention and held that a tenant who is a direct consumer can sue without the landlord. Since the person deals directly with NEPA, and he pays his bill and other charges arising from disconnection, he can sue the NEPA even if he is not the registered customer. The implication of this decision is that the notion of a consumer for the purpose of suing NEPA was beyond registered consumers, as any person who settles NEPA bills qualifies as a consumer with right of action.

The above decision is also supported by the case of **JOS ELECTRICITY DISTRIBUTION COMPANY V. BARR. DASAT LENGNAN JOHN[[74]](#footnote-74)** supra, where the court held inter alia that:

“…..a consumer can successfully maintain an action against any electricity distribution company where his right has been violated”.

Also, the issue of jurisdiction needs explanation. Items 13 and 14 of the Second Schedule of the 1999 CFRN places electricity matter in a concurrent legislative list. The implication of this is that, both the Federal High Court and State High Court have jurisdiction to preside over electricity matter. However, due to lack of knowledge as to applicable law and practice in the power sector, practitioners often err in filling electricity matters at the Federal High Court as against State High Court. The Federal High Court doesn’t have exclusive jurisdiction on electricity matters, as electricity is not among the matters listed in section 251 (1) of the 1999 CFRN.

**3.6 SUMMARY OF THE CHAPTER**

The electricity consumer rights are significant since the sector is one of the lucrative ones in the country. This chapter has done justice by giving full details of the rights and protection that are available to the consumers of electricity in Nigeria, both under the general law and the electricity legal framework and regulations.

Also, issue like breach of right is inevitable as the distribution companies are not fallible. Breach of rights and other electricity issues and matters are addressed as provided by the appropriate regulations and Act.

Finally, consumers can also seek redress in the appropriate court as it is trite that the Judiciary is the last hope of common man.

**CHAPTER FOUR**

**ENFORCEMENT OF THE ELECTRICITY CONSUMER RIGHTS IN NIGERIA**

**4.1 INTRODUCTION**

In Nigeria, enforcement is one of the major problems that is facing our laws, including the rights of electricity consumers. The problem is neither inadequacy of the law nor the regulation but that of enforcement.[[75]](#footnote-75) The law already stipulated electricity rights and protection as well as the regulatory agency that are in control of the rights and protection of the consumers. It is now left to the regulatory agency to discharge their duty as provided by the law.

This Chapter will look into the major issue this research paper centers on, which is the enforcement of electricity rights in Nigeria, including the body that’s responsible for such, how effective are the enforcement of electricity rights in Nigeria and the role of government in ensuring the enforcement of electricity consumer rights.

**4.2 THE NIGERIAN ELECTRICITY REGULATION COMMISSION (NERC)**

The Nigerian Electricity Regulation Commission is the regulator of the Nigerian power sector. The body was established pursuant to the provision of Part III of the Electric Power Sector Reform Act.[[76]](#footnote-76) Section 31 of the Electric Power Sector Reform Act titled ‘Establishment of the Commission’ provides as follows:

“There is established a commission to be known as the Nigerian Electricity Regulatory Commission, which shall be a body corporate with perpetual succession which can sue or be sued in its corporate name, and subject to this Act, perform all acts that body corporate may by law perform”

The functions and objectives of the commission are stipulated under section 32 of the Act. However, only the functions of the commission which is pertaining to consumers will be mentioned here. The functions and objectives are;

1. To ensure adequate supply of electricity to consumers[[77]](#footnote-77)
2. To ensure that the prices charged by the licensees are fair to consumers…[[78]](#footnote-78)
3. To ensure the safety, security, reliability and quality of service in the production and delivery of electricity to consumers[[79]](#footnote-79)
4. To ensure that regulation is balanced and fair for consumers…[[80]](#footnote-80)
5. To establish appropriate consumer rights and obligation regarding the provision and the use of electricity services.[[81]](#footnote-81)

The Nigerian Electricity Regulatory Commission consists of seven full time commissioners appointed by the president subject to confirmation by the senate.[[82]](#footnote-82) The commissioners are to hold office for a period of five years[[83]](#footnote-83) and in order to endure continuity as regards the first set of commissioners; the Act provides that the Chairman shall be appointed for five years[[84]](#footnote-84) while the Vice-Chairman and other commissioners shall be appointed for four years.[[85]](#footnote-85)

A commissioner shall vacate his office subject to some certain conditions, among which are:

* 1. Upon conviction for an offence within or outside Nigeria
  2. Upon the attainment of 70 years
  3. If he is being disqualified under the Act.[[86]](#footnote-86)

The commission shall meet for the dispatch of business as often as is necessary or expedient and may also adjourn, close and regulates its meeting and procedure as it thinks fit.[[87]](#footnote-87) All the decisions of the commission at the meeting sham be based on the majority of the members present and voting.[[88]](#footnote-88)

In term of remuneration of the commissioners, they are to be paid from the funds of commission.[[89]](#footnote-89)

However, for an important body like NERC to be effectively functioning it must be independent. An independent Regulatory Regime is vital to a power sector as it enables the regulator (NERC) compliance and overall power sector efficiency.[[90]](#footnote-90) Before an Independent Regulatory regime can be ensured in the power sector, the government must appoint the right persons as regulators; give them adequate financial autonomy to do their work.[[91]](#footnote-91)

**4.3 ENFORCEMENT OF ELECTRICITY CONSUMER RIGHTS BY NERC**

The Electric Power Sector Reform Act[[92]](#footnote-92) which established the Nigerian Electricity Regulatory Commission (NERC) also empowers them to perform certain duties particularly in the aspect of consumer rights and benefit.

Apart from the duties of NERC concerning consumer as provided in section 32 of the Act, the Act also empowers NERC to make certain Regulations in performing their duties especially in term of consumer rights and protection.[[93]](#footnote-93) The Regulations among others include the following:

1. Customer Complaint Handling: Standards and Procedure 2006,
2. Connection and Disconnection Procedures for Electricity Services 2007,
3. Meter Reading, Billing, Cash Collections and Credit Management for Electricity Supplies Regulations 2007,
4. Customer Service Standards of Performance for Distribution Companies 2007, and so on.

All the NERC Regulations directly and indirectly provide for consumer rights and protection and in enforcing such rights, NERC ensures that the Distribution Companies (Discos) are complying with the Regulations. For instance, NERC Regulation on **Connection and Disconnection Procedures for Electricity Services 2007** provides that a power distribution company (Disco) can only disconnect supply to a customer when the customer has not paid the amount correctly billed as at the relevant payment date, which must not be less than 10 working days from the date of delivery of the bill and the period between the payment date and the date of disconnection is not less than three months. Any Disco that violates this provision commits an offence and is liable to penalty.[[94]](#footnote-94) NERC can enforce this right by ensuring that adequate penalty is being meted out to the default Distribution Company upon violation.

Also, in ensuring that consumer rights are protected NERC develops in consultation with licensees, customer service standards Fair pricing rules, bring about constant communication with consumers to ensure they understand their rights and obligations and; make sure that materials on consumer rights (safety, service, e.t.c) are up to date, available and readily accessible. The Commission is also to establish and ensure an effective dispute resolution mechanism to guarantee consumer protection.[[95]](#footnote-95)

In addition, regarding the consumer’s right to file complaint,[[96]](#footnote-96) NERC ensures that electricity consumers are being safeguarded from issues like defects in electricity services by the licensees and other electricity trading companies, and permit the consumers to make complaint where there is defect or deficiency about electricity services.[[97]](#footnote-97) In ensuring the enforcement of this right, NERC mandates every distribution company to establish a Customer Complaint Unit (CCU).[[98]](#footnote-98)

Aside the establishment of the Customer Complaint Unit, NERC itself makes provision for the establishment of a Forum for hearing and resolving customer complaints. This Forum is the avenue for further consumer complaint.[[99]](#footnote-99) Where a satisfied agreement or resolution cannot be reached on a complaint that’s being brought to the Consumer Complaint Unit (CCU), parties may refer such complaint to the Forum.[[100]](#footnote-100)

The Nigerian Electricity Regulation Commission (NERC) can ensure the enforcement of electricity rights by monitoring the Licensees or Distribution Companies by ensuring that they comply with the provisions of NERC Regulations and do the needful in facilitating the protection of consumer rights and interests as well as ensuring that the consumers are rightly compensated whenever they are being cheated upon.

**4.3.1 Other Forms of Enforcement of Electricity Consumers' Rights**

Aside the Consumer Complaint Unit and the Forum as provided by the NERC’s Regulations, consumer can themselves enforce their rights whenever they are being violated by seeking redress or compensation in the court of law.

The enforcement of the rights of electricity consumers may be through criminal or civil process. Where the breach in question amounts to a crime under an applicable statute, criminal prosecution can follow. Example of this is section 304 of the Criminal Code[[101]](#footnote-101) titled “Duty of Persons in Charge of Dangerous Things” The section provides that:

“Every person who has in his or her charge or under his control anything, whether living or inanimate, and whether moving or statutory, of such nature that, in the absence of care or precaution in its use or management, the life, safety, health of any person may be endangered has a duty to use reasonable care and take reasonable precautions to avoid such danger; and is held to have caused any consequences which result to the life or health of any person by reason of any omission to perform that duty”.

The above section implies that service provider or Distribution Companies are to use reasonable care in order to avoid supply of electricity that will cause harm or danger to the consumers. For instance, in 2017, the Nigerian Electricity Management Services Agency (NEMSA) said it has inspected networks belonging to nine of the 11 Distribution Companies (DisCos) while reporting the occurrence of 146 electrical accidents that killed 113 and injured 77 others in 2017. This incident occurred as a result of negligent installations on the part of the Distribution Companies.[[102]](#footnote-102)

Where the violation of the rights of an electricity consumer involves a breach of contractual or tortious duty, enforcement under civil action can follow.

Unfair disconnection of a consumer’s power is a breach of contract of service and contravention of the law for which the consumer can recover damages for the breach. But where the customer’s installation does not conform to the stipulated standards, and a plaintiff is unable to prove that the condition precedent for connection was not met or that there is a contractual relationship between him or her and a DisCo, the plaintiff may not be able to recover damages where he or she suffers loss or damage in consequence of use of electricity.[[103]](#footnote-103)

However, in ensuring that NERC’s efforts in enforcing consumer rights are yielding desired result, consumers must be fully aware of their rights and demand that they are met by the service providers. Many are ignorant of their right to transparent billing, right to due process prior to disconnection of electric service, right to reconnection of electric service after resolving problems, right to file compliant before the Forum Office and ultimately NERC if compliant is unsatisfactorily unresolved at the Forum Office.

Without the awareness of their rights, consumers can do little or nothing to enforce them, but rather continue to endure the widespread corruption engaged in by some corrupt officials of these service providers.[[104]](#footnote-104)

**4.4 THE EFFECTIVENESS OF THE ENFORCEMENT OF THE ELECTRICITY CONSUMER RIGHTS IN NIGERIA**

As discussed earlier, the Nigerian Electricity Regulatory Commission are majorly responsible for the enforcement of the electricity consumer rights in Nigeria, and several steps (for instance, in term of making Regulation) have been taken by the commission in order to ensure that the consumer rights are adequately enforced.

Although, NERC is trying every possible best to ensure that the consumer rights are being protected, however, the issue lies with the effectiveness of this enforcement. How effective is the enforcement of the electricity consumer rights in Nigeria? Enforcement can only be said to be effective when the consumers are adequately enjoying their electricity rights and their interests are being adequately protected as well. The issue now is whether or not the consumers are enjoying their rights and interests as provided by the various NERC’s Regulations.

NERC has developed regulatory measures by way of minimum standards for distribution companies in dealing with electricity consumers. These standards and regulatory actions are aimed at protecting the interests of electricity consumers. But, in practice, these standards are hardly efficient and are rarely pursued.[[105]](#footnote-105)

In Nigeria, issues of breach and violation of consumer rights are rampant especially in term of wrongful billing all in the name of estimated billing. In both rural and urban areas consumer complaints are rife. These complaints center on lack of supply of electricity owing to constant power outage, wrongful billing and disconnection.[[106]](#footnote-106)

In many states, the inhabitants are not happy with the services of the distribution company in charge. For example in Enugu state, the consumers were not pleased with the service of the Enugu Electricity Distribution Company (EEDC) being the company in charge of the electricity distribution in the State came to a height that it became a subject matter before the session of the Enugu State House of Assembly wherein the House unanimously passed vote of no confidence on the company. The action became overbearing at a time when hundreds of residents occupied the Assembly Complex, insisting that the distribution company must exit the State due to their perceived activities as day-light robbery.[[107]](#footnote-107) Their activities were being perceived as day-light robbery because people were charged with the amount of energy they didn’t utilize or consume.

Another example was that of Osun state, in September 2022, there was pandemonium in Osun state as a result of the protest by electricity consumers over lack of electricity supply in three communities (Alatise, Ilupeju and Ijaregbe Communities) in Ilesha and Obokun Local Council of the state. The protesters marched to the office of the Ibadan Electricity Distribution Company (IBEDC) accusing them of disconnecting their transformer from the National grid.[[108]](#footnote-108)

Also, in 2021, The Osun State House of Assembly passed a motion to summon the Managing Director of the Ibadan Electricity Distribution Company (IBEDC), the Nigerian Electricity Regulation Commission (NERC) and the Federal Competition and Consumer Protection Commission (FCCPC) over the power outage in Ife North local Government Council of Osun State.[[109]](#footnote-109) The motion was moved by Tunde Lekan Olatunji, the lawmaker representing Ife North State Constituency in the House of Assembly. He disclosed that six major communities in the council are experiencing electricity blackout for the past four months due to a faulty transformer. While emphasizing the importance of electricity as an essential public utility that every citizen deserved to enjoy, he accused the distribution company, IBEDC of poor service delivery which had left several communities in the local government frustrated and resorting to self-help. He added that despite the takeover of electricity distribution by private companies, they were only interested in billing and collection of tariff and not the provision or repair of the equipment they need to generate the tariff.[[110]](#footnote-110)

It has also been said that consumers are not ready to pay for electricity. However what’s used to counter this is that consumers are ready to pay only when the electricity supply is stable and reliable,[[111]](#footnote-111) as we cannot put something on nothing and expect it to stand, it is only when the electricity supply is stable and reliable that the consumers will be motivated to pay.

It can be said that consumer rights with respect to a stable supply of electricity and correct billing have not been effectively enforced.

In addition, the condition for disconnecting consumer power as provided in the NERC’s Connection and Disconnection Procedures for Electricity is not adequately enforceable. The Regulation provides that a power Distribution Company (Disco) can only disconnect supply to a consumer when the consumer has not paid the amount correctly billed as at the relevant payment date, which must not be less than 10 working days from the date of delivery of the bill and the period between the payment date and the date of disconnection is not less than three months.[[112]](#footnote-112) This provision and its procedure are being routinely violated by discos, and the ignorance of electricity consumers largely contributed to this.

Further, the Regulation provide that any Disco that disconnects electricity supply to a consumer in violation of the Regulation commits an offence and is liable on conviction to pay the consumer a penalty for each or part of a day the supply is wrongfully disconnected.[[113]](#footnote-113) It has however been said that the breach and violation of this regulation is being largely observed rather than its compliance, due to the fact that no service provider has been prosecuted for this breach in line with the provision, and the ignorance of the consumer also contributed to this.[[114]](#footnote-114)

In fact, NERC has developed regulatory measures by way of minimum standards for Distribution Companies in dealing with electricity consumers. But, these regulatory measures are hardly effective and rarely pursued. The consumer rights and protection as enumerated in the various NERC’s Regulations are laudable in writing (theory) than in practice.

Finally, consumer awareness contribute immensely to the effectiveness of the enforcement of their rights, as it is only when they have the knowledge of their right being breached or violated that they will file or make a complaint and then NERC will come in to enforcement such right by addressing the breach or violation.

**4.5.0 THE GOVERNMENT ROLE IN ENSURING THE ENFORCEMENT OF THE ELECTRICITY CONSUMER RIGHTS**

It is trite that government can only act through enactment of laws and establishment of several agencies or Commissions. In the electricity industry, the government only comes in by making adequate laws which establish different agencies and bodies to monitor the industry as well as the consumers’ protection.

The role of government in ensuring that the rights of the electricity consumers are well monitored and protected can be summarize as follows:

* Establishment of the Nigerian Electricity Regulatory Commission (NERC)
* Establishment of the Nigerian Electricity Management Services Agency (NEMSA)
* Establishment of the Federal Competition and Consumer Protection Commission (FCCPC) etc.

The first role which is the establishment of NERC has been fully discussed above. The Nigerian government enacted the Electric Power Sector Reform Act which birthed the Nigerian Electricity Regulatory Commission with the aim of promoting a well smooth running of the electricity industry as well as the protection of the consumers’ interests.[[115]](#footnote-115)

**4.5.1 Establishment of the Nigerian Electricity Management Services Agency (NEMSA)**

The Nigerian Electricity Management Services Agency was established by the provision of the Nigerian Electricity Management Services Agency Act.[[116]](#footnote-116)

The Nigerian government enacted the NEMSA Act as a result of the challenge of efficient electricity (management) services which further continues in the country a decade after the reformation of the power sector.[[117]](#footnote-117)

NEMSA was established to ensure efficient production and delivery of safe, reliable and sustainable electric power supply and guarantee the safety of lives and property in the Nigerian Electricity Supply Industry (NESI), and other allied industries/workplaces and premises. NEMSA is saddled with the responsibility of ensuring that Nigeria has electricity networks that are Stable, Safe, and Reliable.[[118]](#footnote-118)

The Nigerian Electricity Management Services Agency (NEMSA) carries out electrical inspector at services for the Nigerian power sector.[[119]](#footnote-119) NEMSA is empowered to ensure that the materials, equipment and instruments vise in the Nigerian Electricity Supply Industry (NESI) are of the right quality, standard and specification.[[120]](#footnote-120) This will in many ways protect the lives and interest of the consumers.

In addition, NEMSA carries out the enforcement duty of ensuring that the electric meters comply with laws that make it compulsory for meters to be tested before they are deployed to consumers. Transformers and electricity equipment to be deployed in the power sector must undergo compulsory certification tests by NEMSA to ensure compliance with standards.[[121]](#footnote-121)

The thorough inspection of electricity instruments by the NEMSA before they are being deployed to the consumers is to ensure the efficient production and delivery of safe, reliable and sustainable electricity as well as guarantee safety of lives and properties in the Nigerian electricity supply industry, and as a result of this, consumers rights and protection are being guaranteed.

In ensuring the efficiency of the enforcement of electricity rights, the Nigerian Electricity Management Services Agency in November 2022 charged its workers to always ensure the delivery of prompt services and safe power networks to consumers across the country. The agency tasked employees of the firm to remain focused while enforcing services that ensure safe power networks in Nigeria.[[122]](#footnote-122)

**4.5.1.0 The Effectiveness of NEMSA in Protecting the Rights of Electricity Consumers**

Despite the fact that the NEMSA is trying every possible best to ensure a safe and reliable power supply, the reverse has been the case, as the rate at which electricity accidents occur is very high.

The Nigerian electricity supply industry has recorded 31 deaths and nine injuries in the fourth quarter of 2021, says Nigeria’s regulatory agency.[[123]](#footnote-123) Also, data from the Nigerian Electricity Regulatory Commission (NERC), has revealed that in 21 months, spanning January 2020 and September 2021, at least 156 Nigerians were killed while 87 were injured in electricity-related accidents.[[124]](#footnote-124)

By law, the Nigerian Electricity Management Services Agency (NEMSA), which was established in 2015, is empowered to carry out the functions of enforcement of technical standards and regulations. It is the duty of the NEMSA to ensure that electricity accident is prevented and consumer lives are protected. However, this has not been realized, even in 2015, the year in which the NEMSA was established, about 49 people were electrocuted and 51 injured in electricity accidents.[[125]](#footnote-125)

From the above, it can be said that the duties of NEMSA in ensuring the protection of electricity consumer rights have not been efficient. Coupled with this fact, the Nigerian House of Representatives has mandated its Committee on Power to investigate the capacity of the Nigeria Electricity Management Services Agency (NEMSA) to adequately carry out its mandate on electricity safety in the distribution network as well as the overall effectiveness of the Nigerian electricity supply industry. According to the House, the negligence of electricity safety is increasingly claiming lives and causing injuries to both electricity sector workers and others with reports by the NERC alleging that approximately two persons died of electrocution every fortnight during the fourth quarter of 2019, as compared to the third quarter where roughly three persons died of electrocution fortnightly. Accordingly, “The death rates arising from the electricity safety negligence in Nigeria are gradually equating the recurring newspaper headlines of death rates from insurgency, banditry and communal clashes.”[[126]](#footnote-126)

The fact that the House of Representatives considered to investigate NEMSA on electricity negligence as a result of the high rate of electricity accidents shows that NEMSA is not effectively functioning when it comes to the protection or enforcement of the electricity rights in Nigeria.

**4.5.2 Establishment of the Federal Competition and Consumer Protection Commission (FCCPC)**

The Federal Competition and Consumer Protection Commission was established by the provision of the Federal Competition and Consumer Protection Act (FCCPA).[[127]](#footnote-127) The FCCPA specifically seeks to protect and promote the interests and welfare of consumers with wider variety of quality products at competitive prices.[[128]](#footnote-128)

The FCCPA established the Federal Competition and Consumer Protection Commission[[129]](#footnote-129) which is responsible for initiating broad based policies and review economic activities in Nigeria to identify anti-competitive, ant-consumer protection and restrictive practices which may adversely affect the economic interests of consumers and make rules and regulations under the Act with regards to competitions and protection of consumers.[[130]](#footnote-130)

The Federal Competition Consumer Protection Commission (FCCP) also regulates the power sector because it protects the interest of the consumers.[[131]](#footnote-131)

Since the Nigerian government enacted the FCCPA and its Commission (FCCPC) in order to ensure the protection of the interests of consumers, this can be said to be one of the governmental role in ensuring that electricity consumers are enjoying their rights, as they are also consumers under the provision of the Federal Competition and Consumer Protection Act.

**4.5.2.0 The Effectiveness of the FCCPC in Protecting the Rights of Electricity Consumers**

In ensuring that the electricity rights are being protected, the FCCPC has performed many functions. One of these functions is that the FCCPC affirmed that there are many issues in electricity consumption in Nigeria, but frowned at the disconnection of consumers’ lines without notice, outrageous or crazy bills, non-supply of pre-paid meters already paid for, and the disregard for regulations, among other complaints by electricity consumers in the country. The Commission further made it known that it is not the duty of electricity consumers to buy, replace, or repair transformers, poles, cable and other related items used in power supply.[[132]](#footnote-132)

In addition, the FCCPC makes avenue for consumer complaint. Before a consumer can file complaint before the FCCPC, such complaint must have been firstly made to the service provider, then to the NERC and if the complaint is not properly addressed, it can then be brought before the FCCPC.[[133]](#footnote-133)

Further, in order to ensure the effectiveness of the enforcement of electricity rights, the FCCPC said the commission has resolved to henceforth punish Electricity Distribution Companies (Discos) that fail to comply with extant rules and regulations in the industry. The FCCPC also made it known that poor service delivery in the electricity sector remains the highest in the category of complaints received by the Commission, and this prompted the Commission to prioritize the industry.[[134]](#footnote-134)

From the above, it is crystal clear that the FCCPC has the interest of consumer protection in mind. However, the FCCPC efforts can be said to have been successful only when the consumer rights are effectively enforced. The question now is **whether or not the rights of electricity consumers are effectively enforced?** The answer is the negative as the electricity consumer rights violation is occurring day by day. Even, the FCCPC itself confirmed that the Electricity Distribution Companies (DisCos) are taking advantage of the current market malfunctions in the country to exploit consumers using over billing, and that most of the consumer complaint received from the electricity consumers are majorly on wrongful billing.[[135]](#footnote-135)

In conclusion, both the NEMSA and FCCPC which the government established in order to further protect the consumer rights have not yielded a desired result, since the reason behind their existence has not been realized due to the fact that the consumer rights are greatly being breached and violated.

**4.6 SUMMARY OF THE CHAPTER**

This chapter has delved into how the rights of electricity consumers are being enforced by the appropriate agency in Nigeria.

The government is also directly or indirectly taking part in the enforcement of electricity rights, as nothing like the rights of citizens can be enforced without the government knowledge, and this can be done through legislations.

As it is been discussed in the chapter, the issue of enforcement of electricity rights is not only what the Nigerian Electricity Regulatory Commission can do, as the electricity consumers also have the duty to perform. This duty is in term of awareness of their rights under the law and various NERC Regulations and the readiness to enforce those rights.

Until consumer awareness is being prioritized the issue of adequate enforcement of rights will remain unsolved in the Nigerian electricity industry.

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3. Yemi Oke, *Nigerian Electricity Law and Practice,* (Second edition 2021, Princeton and Associates Publishing Co. Ltd.) 5. [↑](#footnote-ref-3)
4. Ibid. [↑](#footnote-ref-4)
5. Electricity Ordinance Act of 1929 [↑](#footnote-ref-5)
6. Electricity Corporation Ordinance No. 15 of 1950. [↑](#footnote-ref-6)
7. Yemi Oke, *Nigerian Electricity Law and Practice,* (Second edition 2021, Princeton and Associates Publishing Co. Ltd.) 6. [↑](#footnote-ref-7)
8. The National Electric Power Authority Decree No. 4, signed on June 7, 1972. [↑](#footnote-ref-8)
9. Yemi Oke, *Nigerian Electricity Law and Practice,* (Second edition 2021, Princeton and Associates Publishing Co. Ltd.) pp 7-8 [↑](#footnote-ref-9)
10. Ibid. [↑](#footnote-ref-10)
11. The Electric Power Sector Reform Act, 2005. [↑](#footnote-ref-11)
12. There are 18 successor companies, 6 generation companies, and 12 distribution companies covering all the 36 states. [↑](#footnote-ref-12)
13. Available at <<https://powerlibrary.nigeriaelectricityhub.com>> accessed on June 13. [↑](#footnote-ref-13)
14. ESPR Act 2005, S. 31. [↑](#footnote-ref-14)
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18. [↑](#footnote-ref-18)
19. EPSR Act, 2005, s. 31. [↑](#footnote-ref-19)
20. Ibid S. 32. [↑](#footnote-ref-20)
21. Ibid. S. 88(1). [↑](#footnote-ref-21)
22. EPSR Act, 2005, s. 88(11). [↑](#footnote-ref-22)
23. Ibid. S. 88(13). [↑](#footnote-ref-23)
24. Ibid. S. 80 and 81. [↑](#footnote-ref-24)
25. Odion Omonfoman “EPSRA Bill 2021: Amending an Act to make it Worse”, Premium Times Nigeria, available at, <<https://www.premiumtimesng.com/opinion/492001-epsra-bill-2021-amending-an-act-to-make-it-worse-1-by-odion-omonfoman.html>> accessed on August 24, 2022. [↑](#footnote-ref-25)
26. Ibid. [↑](#footnote-ref-26)
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31. EPSRA 2005. [↑](#footnote-ref-31)
32. EPSR Act, 2005 [↑](#footnote-ref-32)
33. Ibid. S. 100 [↑](#footnote-ref-33)
34. Yemi Oke, *Nigerian Electricity Law and Practice,* (Second edition 2021, Princeton and Associates Publishing Co. Ltd132. [↑](#footnote-ref-34)
35. Ibid. [↑](#footnote-ref-35)
36. Electric Power Sector Reform (EPSR) Act, 2005, s. 27. [↑](#footnote-ref-36)
37. FCCPA, 2018. [↑](#footnote-ref-37)
38. Festus Okechukwu and Peace Chiedozie, “Appraisal of The Protection of the Rights and Interests of Electricity Cosumers in Nigeria”, (2019), vol. 92, Journal of Law, Policy and Globalization, available at <<https://www..researchgate.net/publication/338402016_Appraisal_of_the_Protection_of_the_Rights_and_Interests_of_Electricity_Consumers_in_Nigeria>> accessed 10 April, 2022. [↑](#footnote-ref-38)
39. Cap C25, LFN 2004. [↑](#footnote-ref-39)
40. FCCPA, 2018, S. 1. [↑](#footnote-ref-40)
41. Ibid s. 3(1) [↑](#footnote-ref-41)
42. Ibid s. 17. [↑](#footnote-ref-42)
43. S. 130 [↑](#footnote-ref-43)
44. Ibid s. 130(1)(a) [↑](#footnote-ref-44)
45. EPSRA, 2005, S. 31 [↑](#footnote-ref-45)
46. Ibid s. 32. [↑](#footnote-ref-46)
47. Ibid s. 62(1) [↑](#footnote-ref-47)
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49. EPSRA, 2005, S. 80(1). [↑](#footnote-ref-49)
50. EPSRA 2005, s. 83 [↑](#footnote-ref-50)
51. Ibid. S. 80 and 96. [↑](#footnote-ref-51)
52. Connection and Disconnection Procedures for Electricity Services 2007, regulation 5 and 11. [↑](#footnote-ref-52)
53. Yemi Oke, *Nigerian Electricity Law and Practice,* (Second Edition 2021, Princeton and Associates Publishing Company Ltd.) 536. [↑](#footnote-ref-53)
54. Meter Reading, Billing, Cash Collections and Credit Management for Electricity Supplies Regulations 2007 regulation 1. [↑](#footnote-ref-54)
55. Yemi Oke, *Nigerian Electricity Law and Practice,* (Second Edition 2021, Princeton and Associates Publishing Company Ltd.) 536. [↑](#footnote-ref-55)
56. The Customer Service Standards of Performance for Distribution Companies 2007, regulation 1. [↑](#footnote-ref-56)
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61. Governed by the provisions of Connection and Disconnection Procedures for Electricity Services 2007 [↑](#footnote-ref-61)
62. Ibid. [↑](#footnote-ref-62)
63. Governed by the provisions of Customer Complaint Handling: Standards and Procedure 2006 [↑](#footnote-ref-63)
64. (2018) LPELR-46395(CA). [↑](#footnote-ref-64)
65. (2010) LPELR-3859(CA) [↑](#footnote-ref-65)
66. Customer Complaint Handling: Standards and Procedure 2006, reg. 1(1). [↑](#footnote-ref-66)
67. Ibid. reg 3(3) [↑](#footnote-ref-67)
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69. Ibid. reg 3(7) [↑](#footnote-ref-69)
70. Ibid. reg 3(9) [↑](#footnote-ref-70)
71. Ibid. reg 6(1) [↑](#footnote-ref-71)
72. S. 6(6)(b), s. 17(2)(e), s. 36(1), s. 46(1). [↑](#footnote-ref-72)
73. (1993) LPELR-14644(CA) [↑](#footnote-ref-73)
74. (2018) LPELR-46395(CA). [↑](#footnote-ref-74)
75. Yemi Oke, *Nigerian Electricity Law and Practice,* (Second Published 2021, Princeton and Associates Publishing Co. Ltd) 559 and 563. [↑](#footnote-ref-75)
76. Electric Power Sector Reform Act, 2005 [↑](#footnote-ref-76)
77. EPSR Act, 2005, s. 32(1)(c) [↑](#footnote-ref-77)
78. Ibid s. 32(1)(d) [↑](#footnote-ref-78)
79. Ibid s. 32(1)(e) [↑](#footnote-ref-79)
80. Ibid s. 32(1)(f) [↑](#footnote-ref-80)
81. Ibid s. 32(2)(c) [↑](#footnote-ref-81)
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83. Ibid s. 35 [↑](#footnote-ref-83)
84. Ibid s. 35(1)(a) [↑](#footnote-ref-84)
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86. Ibid. s.37 [↑](#footnote-ref-86)
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95. Available at <<https://nerc.gov.ng/index.php/component/content/article/95-about/382-goals>> accessed on December 8, 2022 [↑](#footnote-ref-95)
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