IN THE MATTER OF:

A complaint against Kaduna Electric on alleged arbitral exploitation,

Before:

1. Mrs. Maryamu Laka Madami mni  Chairman
2. Mohammed K. Abdulsalam mni  Member
3. Engr. Levi D. Hayab  Member
4. Engr- Ellams Abubakar G.  Member
5. Engr. Saleh Bobai  Member

Between:

Dennis Ekwere ................................................................. COMPLAINANT
AND

Kaduna Electricity Distribution Company (Kaduna Electric) .................... RESPONDENT

APPEARANCES

FOR COMPLAINANT:

1. Dennis Ekwere

FOR RESPONDENT:

1. Genesis Zinnass
2. Engr. Sulaiman M. Sani
3. Uthman Ahmed
4. Halima Abubakar
5. King Oluwafunmilayo
6. Babatunde O.
7. Anthony P. Abeb
8. Yasmin A. Ahmed
9. Julius B. Ishaku

RULING

FACTS OF THE MATTER

The complainant alleged the respondents, Makera office on arbitral exploitation and placement of notice to customers to purchase prepaid electric tokens of N1000 above.
The respondent replied to the forum’s letter informing that the said notice was sent to the general public during a period when there was a glitch at the Makera regional office which was not accepting transactions less than N1000. However, the glitch has been rectified and the request has subsequently been taken down.

SUBMISSION OF THE COMPLAINANT

The complainant submitted that he usually buys his electricity token from the head office of the respondent or online; but that during one of the period when movement was restricted in Kaduna, he discovered that the Makera office of the respondent had posted a notice that customers cannot purchase electricity token below N1000, considering he only had N500 with him that day, he was unable to purchase and was left in darkness for the weekend which is, as submitted by the complainant, a violation of customer’s rights.
The complainant in his submission explained that on Monday, he successfully purchased electricity token of N500 from the respondent’s office and N300 token from Barnawa office
for his office. The complainant further explained that upon investigation, he was informed that the Makera office was trying to meet up target and hence the notice. The complainant submitted that his prayers were for the forum to declare the action illegal and direct the respondent to remove the notice so as to allow the community to buy according to their wish considering other business units were selling accordingly. The complainant then finally stated that, if the forum deems the action wrong, it should direct the respondent to tender in an apology to the community.

RESPONDENTS SUBMISSION

The respondent submitted that the notice was posted at the Makera office because of the glitch that occurred at the office which wasn’t accepting transactions less than N1,000 and although the restrictions was for a period of time which has then been rectified and the notice has been removed.

DECISION OF THE FORUM

The forum considered the complainants denial of the submission of the respondent, the submissions of both parties, pursuant to sec 11 (1) (c) of Customer Complaints Handling; Standards and Procedures, 2006 which states that “if, after the proceeding conducted under section 10, the Forum is satisfied that any of the allegations contained in the complaint are proven it shall direct the Distribution Licensee to do one or more of the following acts, which may include but is not restricted to; discontinuing the unfair trade practice or the restrictive business practice or not to repeat them; and the forum noted that none of the staff of the Makera area office was present during the hearing to provide the needed information and decided;

IT IS HEREBY ORDERED THAT:

1. The respondent should to do the needful in similar circumstance with regards to the absence of their staff during hearing.
2. The respondent should place another public notice in the same position as the previous notice informing that all customers can purchase electricity token below N1000 and also place an apology to the community for any inconveniences caused.

3. The respondent should place the notice on or before 31st January, 2019. The complainant should proceed to purchase a token less than N1000 at the Makera office and present same at the forum on or before 31st January, 2019.

4. The respondent should revert back to the forum with a compliance report on or before 7th February, 2019.

RIGHT OF APPEAL

Pursuant to Sec 12(1) Customer Complaint Handling; Standard and Procedures 2006, "Any person or organization aggrieved by a decision made by the Forum may seek an appeal against such a decision to the Commission within a period of ten (10) working days from the date of the decision, in such form and manner as may be directed by the Commission.

Given under Hand and Seal of NERC Kaduna Forum Office

Dated this day of 29th January, 2019

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