

**LEGAL NOTICE NO. ....]**

**THE ENERGY ACT, 2019 (No. 1 of 2019)**

**THE ENERGY (ELECTRICITY RELIABILITY, QUALITY OF SUPPLY AND SERVICE)  
REGULATIONS, 2021**

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## THE ENERGY ACT (No. 1 of 2019)

IN EXERCISE of the powers conferred by Sections 131, 137, 141, 166, 167(1) and 208 of the *Energy Act 2019*, the Cabinet Secretary for Energy makes the following Regulations: —

### THE ENERGY (ELECTRICITY RELIABILITY, QUALITY OF SUPPLY AND SERVICE) REGULATIONS, 2021

#### PART I : GENERAL PROVISIONS

<b>Short Title, Extent and Commencement</b>	1.	These Regulations may be cited as the Energy (Electricity Reliability, Quality of Supply and Service) Regulations, 2021.
<b>Application</b>	2.	These Regulations shall apply to reliability and quality of supply and quality of service in accordance with sections 131, 132, 136, 137, 140, 141, 145, 153 to 165 and 166. These Regulations shall be applicable to importation, exportation, generation, transmission, distribution and retail supply of electrical energy.
<b>Effectiveness</b>	3.	These Regulations shall come into force upon gazettelement by the Cabinet Secretary.
<b>Interpretation</b>	4.	<p>(1) In these Regulations, unless the context otherwise requires –</p> <p>“<b>Act</b>” means the Energy Act, 2019;</p> <p>“<b>Ancillary Services</b>” has the meaning assigned to it under subsection 138(11) of the Act;</p> <p>“<b>Authority</b>” means the Energy and Petroleum Regulatory Authority established under the Act;</p> <p>“<b>Agreement</b>” or “<b>Contract</b>” means a written legally binding understanding or arrangement entered into between licensees or a licensee and a consumer under this regulation;</p> <p>“<b>Applicant</b>” means a person who files an application for compensation;</p> <p>“<b>Availability</b>” means the fraction of a given operating period in which assets relating to Generation, Transmission or Distribution of electrical power are available without any outages;</p> <p>“<b>Building</b>” has the meaning assigned to it in the Act;</p> <p>“<b>Customer Average Interruption Duration Index (CAIDI)</b>” means the average electrical power outage duration that any given Consumer would experience, measured in units of time;</p> <p>“<b>Compensation</b>” means the payment made by the licensee to a person who due to failure, poor quality or irregularity of electricity supply, the person incurs damage to his or her property, financial loss, loss of life due to</p>

	<p>negligence or avoidable default by the licensee;</p> <p><b>“Capacity factor”</b> means the ratio of the net electricity generated, for the time considered, to the energy that could have been generated at continuous full-power operation during the same period;</p> <p><b>“Complaint”</b> means formal expression (in the prescribed form) of dissatisfaction with the service rendered by, or a practice of any person carrying out any undertaking pursuant to a license, permit or registration issued or granted by the Authority, under the Act;</p> <p><b>“Connection Charge”</b> means the costs incurred in the development of the infrastructure to connect the consumer’s premises;</p> <p><b>“Consequential Loss”</b> means an indirect adverse impact caused by damage to a person’s or business property or equipment.</p> <p><b>“Corporation”</b> has the meaning assigned to it in the Act;</p> <p><b>“Customer”</b> shall have the same meaning as Consumer as defined in the Act;</p> <p><b>“Day”</b> means a calendar day unless notified otherwise;</p> <p><b>“Data”</b> means values, parameters and information pertaining to quality of electricity supply;</p> <p><b>“Derogation”</b> means a waiver issued by the Authority exempting or suspending a Licensee’s obligations to implement or comply with a provision of the Grid Code or the Performance Standards;</p> <p><b>“Disconnection”</b> means discontinuation of electrical power supply to the Consumer;</p> <p><b>“Dispute”</b> means disagreement that exists when the parties acting in good faith have failed to reach an amicable resolution of a complaint after all due efforts have been made to resolve it;</p> <p><b>“Distribution Network”</b> means a power delivery system that delivers electric power to Consumer from either electrical substation at transmission level or embedded generation or from both;</p> <p><b>“Distribution Losses”</b> means the difference between the electrical energy entering the distribution network from the transmission network, another distribution network and/or embedded generation, and the electrical energy exiting the distribution network, for consumption purposes and properly accounted for it, in percentage terms for a particular period;</p> <p><b>“Electric supply lines”</b> has the meaning assigned to it in the Act;</p> <p><b>“Electrical energy”</b> has the meaning assigned to it in the Act;</p>
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	<p><b>“End-user”</b> means a customer of the Kenya National Transmission System that contracts for purchase of electrical energy for his own use, not for delivery or supply to another person;</p> <p><b>“Financial loss”</b> means any losses other than consequential loss;</p> <p><b>“Force Majeure”</b> means uncontrollable circumstances or events that are not the fault of any party, which prevent or make it impossible for a party to perform his obligations under the contract, such as war, flooding, pandemic and extreme weather.</p> <p><b>“Forced interruption”</b> means interruptions other than planned interruption;</p> <p><b>“Generating Plant”</b> means any electric power facility or apparatus delivering electrical energy to the Grid. Generating Plants shall be understood to be comprised of one or more Generating Units which make up the total plant capacity and may be individually controllable;</p> <p><b>“Generating Unit”</b> means an electrical power generating apparatus within a Generating Plant delivering electrical energy to the Grid. Where there is one generating unit, the unit shall be considered as the generating plant;</p> <p><b>“Grid”</b> has the meaning assigned to it in the Act;</p> <p><b>“Grid Code”</b> means the document (or set of documents) that legally establishes technical and procedural obligations and other requirements for the connection to and use of an electric power system in a manner that will ensure coordinated, efficient, reliable and safe operations as prescribed in the regulations relating to electricity supply;</p> <p><b>“Guaranteed Performance Standard”</b> means the minimum standards of performance that a Licensee must achieve in their undertaking;</p> <p><b>“Harmonic Distortion”</b> means the sinusoidal voltages and currents having frequencies that are integral multiples of the fundamental frequency;</p> <p><b>“Irregularity of electricity supply”</b> means inconsistencies in power supply;</p> <p><b>“Licence”</b> has the meaning assigned to it in the Act;</p> <p><b>“Licensee”</b> has the meaning assigned to it in the Act</p> <p><b>“Load Shedding”</b> means the deliberate interruption of an electricity supply to consumers to stabilize the grid and avoid excessive load on the Generating Plants;</p> <p><b>“Low Voltage”</b> has the meaning assigned to it in the Act;</p> <p><b>“Medium Voltage”</b> has the meaning assigned to it in the Act;</p> <p><b>“Momentary interruption”</b> means for transmission system an interruption in the range greater than 3 seconds to less or equal to 1 minute and for</p>
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	<p>distribution system an interruption in the range greater than 10 seconds to less or equal to 5 minutes;</p> <p><b>“Sustained interruption”</b> means for transmission system an interruption that exceeds 1 minute and for distribution system an interruption that exceeds 5 minutes;</p> <p><b>“Network Service Contract”</b> means the written agreement between licensees for Transmission/Distribution service associated with the conveyance and controlling the conveyance, of electricity through the Network;</p> <p><b>“Nominal value”</b> means the value that is normally expected or such that the device or system works in ideal conditions;</p> <p><b>“Off-grid systems”</b> means stand-alone electrical power generating and distribution systems to include mini-grids and micro-grids;</p> <p><b>“Outage”</b> means an interruption in supply of electricity or the loss of electrical power network supply to an end user;</p> <p><b>“Paid up consumers”</b> means a person who has been issued with a quote for the connection charges of the power supply connection and has fully paid, and excludes recipients of government subsidies;</p> <p><b>“Planned Interruption”</b> means a scheduled power supply discontinuation to facilitate the operation and maintenance of the system or some other activity;</p> <p><b>“Power Purchase Agreement”</b> means a written contract between a generation licensee and a power purchaser, typically a utility or large power buyer which defines the commercial and technical terms for the sale of electricity.</p> <p><b>“Quality of Supply”</b> means power supply that meets the Guaranteed Performance Standards laid out in these regulations and the Grid Code. This includes frequency limits, voltage limits, harmonic distortions and voltage flickers;</p> <p><b>“Quality of Service”</b> means the quality of relationships between a Licensee and third party or between licensees. This includes the quality of a number of services, such as the provision of a new connection, meter reading, billing, payments, handling of consumers’ requests and complaints;</p> <p><b>“Reliability of Supply”</b> means the ability of a Licensees to maintain electricity supply to consumers. This is primarily concerned with the duration (SAIDI), frequency (SAIFI) and average restoration time (CAIDI) of power supply interruptions;</p>
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**“System Average Interruption Frequency Index” (SAIFI)** means the average number of times that any given consumer would experience an interruption during the period under review;

**“System Average Interruption Duration Index” (SAIDI)** means the average interruption duration for each consumer served during the period under review;

**“Retail Supply Licensee”** has the meaning assigned to it in the Act;

**“System Operator”** has the meaning assigned to it in the Act;

**“Third party interference”** means interference of the electrical installation of the licensee by any other person that is not party to the agreement;

**“Transmission Losses”** means the difference between the electrical energy entering the transmission network from the base generation and/or another transmission network and exiting the transmission network to another transmission network, distribution network or end-user in percentage terms for a particular period;

**“Transmission Network”** means the facilities, consisting of high voltage electric supply lines and associated equipment for movement of electrical energy in bulk between generating stations and transmission substations for the purposes of enabling supply;

**“Tribunal”** means the Energy and Petroleum Tribunal established under the Act;

**“Undertakings”** has the meaning assigned to it in the Act;

**“User”** means any person connected to or making use of the transmission or distribution network as a generation licensee, transmission licensee, distribution licensee, retail supply licensee, or either consumer or end-user as the case may be;

**“Vehicle”** has the meaning assigned to it under the relevant written law;

**“Voltage Flicker”** means the impression of unsteadiness of visual sensation induced by a light stimulus whose luminance or spectral distribution fluctuates with time caused by an increase or decrease in voltage;

**“Wayleave”** means an easement or right of way granted by a landowner and or representatives for purposes such as the erection of electricity infrastructure; and

**“Wayleave Trace Area”** means the area under, on and above the surface to be freed of any infringements to any electricity infrastructure as detailed in the Grid Code and used for the construction, operation, maintenance and repair electricity infrastructure.

		<p>(2) In these Regulations, unless the context otherwise requires-</p> <ul style="list-style-type: none"> <li>(i) any reference to a numbered Regulation or Schedule is a reference to the Regulation or Schedule bearing that number in these Regulations;</li> <li>(ii) any reference to a numbered paragraph is a reference to the paragraph bearing that number in the Regulation in which the reference occurs;</li> <li>(iii) words importing the singular include the plural and vice versa; and</li> <li>(iv) words importing a gender include any gender.</li> </ul>
<b>Objectives of these Regulations</b>	5.	<p>The objectives of these Regulations are to –</p> <ul style="list-style-type: none"> <li>(i) Provide for the performance standards for reliability and quality of supply of electrical energy;</li> <li>(ii) Provide for the performance standards for quality of service;</li> <li>(iii) Provide guidelines on the nature, type and format of data, information and statistics to be provided to the Authority by Licensees on reliability and quality of supply as well as quality of service;</li> <li>(iv) To provide for the procedures for monitoring reliability, quality of supply as well as quality of service by the Authority;</li> <li>(v) Set out what would constitute defaults by licensees in the supply of electrical energy to consumers;</li> <li>(vi) Prescribe penalties to be imposed for defaults in supplying electrical energy to any consumer and circumstances under which the licensee shall be exempted from such penalties;</li> <li>(vii) Establish the mode of compensation and computation of compensation in cases where a consumer incurs damage as a result of failure, poor quality or irregularity of electricity supply by a licensee;</li> <li>(viii) Provide for the circumstances under which the Authority may impose penalties for failure to meet performance standards and reporting requirements;</li> <li>(ix) Provide for the circumstances under which a person will be entitled to compensation due to failure and defects in electricity supply;</li> <li>(x) Provide for the circumstances under which a person will be disqualified from compensation due to failure and defects in electricity supply;</li> <li>(xi) Provide the procedure, timelines and documentation required for claiming for compensation by the affected person to the Licensee and the procedure for compensation.</li> </ul>
<b>PART II : RELIABILITY AND QUALITY OF SUPPLY PERFORMANCE STANDARDS</b>		
<b>Obligation to comply with the Grid Code</b>	6.	Every Licensee shall conduct his undertaking in the manner which complies with the Grid Code.



<b>Failure to comply with the Grid Code</b>	7.	(1) Any Licensee who does not comply with the Grid Code shall be liable to a penalty or any other appropriate sanctions as provided in the law. Provided the Authority may issue Derogations suspending or exempting a Licensee's obligations to implement or comply with some requirements of the Grid Code.
<b>Derogation Request</b>	8.	(2) A Licensee seeking Derogation from any provision in the Grid Code shall make a written request to the Authority in the format prescribed in the Grid Code.  (3) Upon receipt of any request for Derogation, the Authority shall promptly consider such a request provided that the Authority considers that the grounds for the Derogation are reasonable  (4) The Authority shall acknowledge the request in writing within Seven (7) days of receipt of the request and thereafter make a determination on the Derogation and communicate such determination to the Licensee within Sixty (60) days of receipt of the request for Derogation
<b>Guaranteed Performance Standards</b>	9.	Every Licensee shall conduct his undertaking in the manner which achieves the Guaranteed Performance Standards to which he is subject.
<b>Failure to Achieve Guaranteed Performance Standards</b>	10.	(1) Any Licensee who does not comply with the Guaranteed Performance Standards to which he is subject shall be liable to a penalty as set out in the <b>First Schedule</b> .  (2) The Licensee shall not be in contravention of his obligations if he has failed to meet the Guaranteed Performance Standards directly due to Force Majeure or third party interference, provided that the Licensee has used reasonable efforts, to the extent reasonably possible, to comply with the Guaranteed Performance Standards.
<b>Guaranteed Performance Standards for the System Operator</b>	11.	The System Operator shall be subject to the Guaranteed Performance Standards set out in the Kenya National Transmission Grid Code (KNTGC).
<b>Guaranteed Performance Standards for Generation Licensee</b>	12.	The Generation Licensee shall be subject to the Guaranteed Performance Standards set out in the Grid Code
<b>Guaranteed Performance Standards for Distribution Licensee</b>	13.	The Distribution Licensee shall be subject to the Guaranteed Performance Standards set out in the Kenya National Distribution Grid Code (KNDGC).

<b>Guaranteed Performance Standards for Distribution and Retail Supply Licensee</b>	14.	The Distribution and Retail Supply Licensee shall be subject to the Guaranteed Performance Standards set out in the Kenya National Distribution Grid Code.
<b>Guaranteed Performance Standards for Retail Supply Licensee</b>	15.	The Retail Supply Licensee shall be subject to the Guaranteed Performance Standards set out in the Kenya National Distribution Grid Code.
<b>PART III : QUALITY OF SERVICE STANDARDS</b>		
<b>Obligation to achieve the Quality of Service Standards</b>	16.	<p>(1) Every Licensee shall use reasonable efforts, to the extent possible, to comply with the Quality of Service Standards.</p> <p>(2) Where a Licensee fails to achieve the Quality of Service Standards, the Authority may impose such sanctions or penalties on the Licensee as may be appropriate.</p>
<b>Quality of Service Standards for System Operator</b>	17.	<p>The System Operator shall:</p> <ul style="list-style-type: none"> <li>(i) Give directions, exercise supervision and control as may be required for ensuring stability of network operations and for achieving the maximum economy and efficiency in the operation of the electric power system;</li> <li>(ii) Ensure optimal scheduling and dispatch of electrical energy and ancillary services throughout the country;</li> <li>(iii) Co-ordinate with system operators of the countries whose electric power systems are interconnected with the Kenyan system so as to ensure efficient operations; and</li> <li>(iv) Keep records of the quantity and quality of electrical energy supply on the national grid</li> </ul>
<b>Quality of Service Standards for Generation Licensee</b>	18.	<p>The Generation Licensee shall:</p> <ul style="list-style-type: none"> <li>(i) Conduct his undertaking in accordance with the Power Purchase Agreement.</li> <li>(ii) Comply with the instructions issued by the System Operator.</li> <li>(iii) Co-ordinate with the transmission or distribution network operator for conveyance of electrical energy produced by it from its generating plant.</li> <li>(iv) Collect, analyze and maintain such data, information and statistics relating to his undertaking to enable him monitor and report to the Authority on the reliability and quality of supply.</li> <li>(v) Submit technical details regarding its generating stations to the System Operator and the Authority.</li> </ul>

<p><b>Quality of Service Standards for Transmission Licensee</b></p>	<p>19.</p>	<p>The Transmission Licensee shall:</p> <ul style="list-style-type: none"> <li>(i) Conduct his undertaking in accordance with the Network Service Contract;</li> <li>(ii) Comply with the instructions issued by the System Operator;</li> <li>(iii) Operate, maintain (including repair and replace if necessary) and protect its transmission grid to ensure the adequate, economic, reliable and safe transmission of electricity;</li> <li>(iv) Operate its network in coordination with the transmission or distribution networks to which it is connected directly or indirectly; and</li> <li>(v) Collect, analyze and maintain such data, information and statistics relating to the Licensee undertaking to enable the Licensee monitor and report to the Authority on the reliability and quality of supply</li> </ul>
<p><b>Quality of Service Standards for Distribution and Retail Supply Licensees</b></p>	<p>20.</p>	<p><b><i>Customer Service Charter</i></b></p> <ul style="list-style-type: none"> <li>(1) Every Distribution and Retail Supply Licensee shall conduct his undertaking in the manner which achieves quality of service standards defined in his Consumer Service Charter, as established by the Licensee and approved by the Authority.</li> <li>(2) The Consumer Service Charter shall be written in a language and format that is easily understood by the Consumers and shall among others contain the following provisions: <ul style="list-style-type: none"> <li>(i) New electricity connection</li> <li>(ii) Electricity supply interruptions</li> <li>(iii) Meter reading and billing</li> <li>(iv) Meter inspection and testing</li> <li>(v) Disconnection and reconnection of electricity supply</li> <li>(vi) Complaints handling and disputes resolution mechanisms.</li> <li>(vii) Level of service expected by consumers and timelines</li> <li>(viii) Rights and obligations of consumers</li> <li>(ix) Consumer sensitization</li> <li>(x) Consumer survey and feedback</li> <li>(xi) Wayleaves trace maintenance</li> </ul> </li> <li>(3) The Licensee shall publish in its website the Consumer Service Charter and display the same at its commercial offices.</li> </ul> <p><b><i>Form of Contract for Supply of Electrical Energy</i></b></p> <ul style="list-style-type: none"> <li>(4) Every Distribution and Retail Supply licensee shall use a Form of Contract approved by the Authority, which shall set out the rights and responsibilities of the Licensee and Consumers, as the case may be.</li> <li>(5) In approving a Form of Contract, the Authority shall satisfy itself that such Form of Contract has fair and reasonable provisions dealing with</li> </ul>

issues, including but not limited to:

- (i) Limitation of liability of the licensee;
- (ii) Termination and suspension provisions;
- (iii) Account and meter deposits;
- (iv) Interest on overdue accounts
- (v) Metering; and
- (vi) Complaint handling and dispute resolution mechanism

***Planned Interruption of Power Supply***

- (6) The Distribution and Retail Supply Licensee may disconnect or interrupt electricity supply to a locality or a consumer for the purpose of carrying out planned maintenance, including repair and installation of new equipment.
- (7) The Licensee shall not exercise its power under paragraph 20(6) unless the Licensee informs the consumer of the intended disconnection or interruption, and stipulates the date and intended duration of the disconnection or interruption through appropriate means which shall not be less than forty-eight hours, which may include public notice, print media, radio broadcast, electronic mail, short message service and any other appropriate information technology system.

***Emergency Discontinuation of Power Supply***

- (8) A Distribution and Retail Supply Licensee may in an emergency situation disconnect or interrupt supply to a consumer without notice to the consumer, provided the Licensee shall take appropriate measures to rectify the situation and advise the consumer as much as practically possible.
- (9) In any case, where the person who commits an offence under the Act is the consumer, the Distribution and Retail Supply Licensee may also discontinue the supply of electrical energy to the premises of such consumer or abstain from resuming such supply.

***Instances When Power Supply to Consumer May be Discontinued***

- (10) The Distribution and Retail Supply Licensee may discontinue the supply of electrical energy to any consumer if:
  - (i) the consumer has failed to pay charges for consumption of electrical energy or instalments relating to deferred connection costs, whether such charges are due to the licensee for the supply of electrical energy to premises in respect of which such supply is demanded or in respect of other premises: Provided that such charges have not been referred to the licensee by the consumer for resolution in accordance with the licensee's complaint handling and dispute resolution procedures approved by the Authority

- (ii) the consumer fails or neglects to make good any defects in his installation: Provided that those defects and the period within which such defects are to be rectified, have been communicated to the consumer in writing;
- (iii) the consumer uses or permits to be used such supply for any purpose or deals with or permits such supply to be dealt with in any manner so as to interfere unduly or improperly with the efficient supply of electrical energy by the licensee to any person, or endangers public safety;
- (iv) the consumer denies the licensee access to the electric supply lines or any meters on the premises under the control of the consumer;
- (v) the premises or part thereof is the subject of an order for demolition made at the instance of a public or County;
- (vi) the supply of electrical energy is prohibited by law to such premises or part thereof; or
- (vii) the consumer has failed or defaulted to repay a loan or any part thereof in respect to connection costs for supply of electrical energy which is subject to a tripartite agreement between the consumer, licensee and the lender.

***Provision of Information to Consumers by the Licensee***

(11) The Distribution and Retail Supply Licensee shall, on request provide a Consumer with information about the services provided to the Consumer including the following: -

- (i) the Consumer's account number;
- (ii) meter readings for electricity supply to the Consumer's premises;
- (iii) Bill or payment history; and
- (iv) load profiles and power factors, where applicable

***Handling of Complaints and Disputes by the Licensee***

(12) Every Distribution and Retail Supply Licensee shall:

- (i) Implement procedures, approved by the Authority, to receive, process and respond to complaints relating to reliability and quality of supply and quality of service;
- (ii) Maintain a record of information about the identity of the complainant, type of malfunction or complaint, the location, in case of interruptions the outage time and the time taken to connect or reconnect the complainant, and all such matters established in the Grid Code or in the Performance Standards; and
- (iii) Submit to the Authority reports about malfunctions, interruptions,

		<p>problems in quality of supply and service and consumers' complaints in the form and manner approved by the Authority.</p> <p>(13) Every Distribution and Retail Supply Licensee shall, whenever requested to do so by the Authority, review the complaint resolution procedures with a view to effect improvements.</p>
<b>Consumer Sensitization</b>	21.	<p>The Authority, the Corporation and the Distribution and Retail Supply Licensees shall have the responsibilities of sensitizing the Consumers on issues relating to:</p> <ul style="list-style-type: none"> <li>(i) The safe use of electricity;</li> <li>(ii) Energy efficiency and conservation;</li> <li>(iii) Reporting and claim procedures;</li> <li>(iv) The dangers of illegal connections and tampering electrical installation;</li> <li>(v) The dangers of incompetent, unqualified or unauthorized persons conducting electrical installation works;</li> <li>(vi) Consequences of the offences under these regulations and the act;</li> <li>(vii) The use of unauthorized and unsafe devices;</li> <li>(viii) Public safety as regards electricity infrastructure; and</li> <li>(ix) Consumer rights and obligations.</li> </ul>
<b>PART IV : DATA AND REPORTING REQUIREMENTS</b>		
<b>Provision of information to the Authority, System Operator and other Licensees</b>	22.	<ul style="list-style-type: none"> <li>(1) Every Licensee shall collect, analyze and maintain such data, information and statistics relating to its undertaking to enable it monitor and report to the Authority and/or System Operator on the reliability and quality of supply as well as quality of service.</li> <li>(2) The timelines for submission of performance reports is as set out in the <b>Second Schedule</b>.</li> <li>(3) Every Licensee shall on request by the Authority furnish it with any information relating to its activities conducted under or in connection with the License, as the Authority may consider necessary for the purpose of performing the functions assigned to it under the Act.</li> <li>(4) The System Operator shall furnish to the Authority and/or Licensees such information as may be reasonably required in order to ensure secure and efficient operation, coordinated development and inter-operability of the electricity network.</li> <li>(5) After the end of each month, and financial year of the Licensee, the Licensee shall submit to the Authority performance reports indicating the reliability and quality of supply as well as quality of service during the period under review against the set performance standards. The monthly report shall be submitted not later than the Fourteenth day of the</li> </ul>

		<p>succeeding month while the yearly report shall be submitted within One Hundred And Twenty (120) days of the end of the Licensee’s financial year.</p> <p>(6) The Licensee shall submit annual reports to the Authority on its undertaking that encompass the financial and technical aspects, within One Hundred and Twenty (120) days of the end of the Licensee’s financial year, or such other period approved by the Authority</p> <p>(7) The Licensee shall furnish the System Operator and/or other Licensees with such information as may be reasonably required to ensure secure and efficient operation, coordinated development and inter-operability of the electricity network.</p>
<b>System Operator Reporting Obligations</b>	23.	<p>The System Operator shall periodically provide the Authority with system operations and dispatch performance indicators in the format and manner prescribed by the Authority. This shall include the indicators listed below:</p> <ul style="list-style-type: none"> <li>(i) Peak demand, date and time</li> <li>(ii) Minimum demand, date and time</li> <li>(iii) Frequency excursions &gt; 51.00 Hz or &lt; 49.00Hz</li> <li>(iv) Voltage violations</li> <li>(v) Under-frequency load shedding</li> <li>(vi) User voluntary load shedding</li> <li>(vii) Number of forced outages on the Transmission Lines</li> <li>(viii) Average duration of single line forced outage (hours)</li> <li>(ix) For each abnormal network condition, the action taken by the System Operator to restore normal operations.</li> <li>(x) Transmission network losses</li> <li>(xi) Worker safety performance measures</li> <li>(xii) Dispatch reports</li> <li>(xiii) Power system constraints</li> </ul>
<b>Generation Licensee Reporting Obligations</b>	24.	<p>The Generation Licensee shall provide the Authority and/or System Operator with monthly and annual performance indicators for each Generating Plant in the format and manner prescribed by the Authority and/or the System Operator. This will include the indicators listed below:</p> <ul style="list-style-type: none"> <li>(i) Energy projections</li> <li>(ii) Capacity factor</li> <li>(iii) Plant availability</li> <li>(iv) Bulk power transformer availability factor</li> <li>(v) Energy generated</li> <li>(vi) Resource data (Dam level and inflows, wind speeds, weather forecast, fuel stocks etc)</li> </ul>

		<ul style="list-style-type: none"> <li>(vii) Fuel and steam consumption data</li> <li>(viii) Forced outage hours</li> <li>(ix) Planned outage hours</li> <li>(x) Analysis of major incidences relating to generation</li> <li>(xi) Project status reports</li> <li>(xii) Worker safety performance measures</li> <li>(xiii) Penalties imposed for failure and defects in electricity supply.</li> </ul>
<b>Transmission Licensee Reporting Obligations</b>	25.	<p>(1) The Transmission Licensee shall provide the Authority and/or System Operator with monthly and annual performance indicators for its Transmission network in the format and manner prescribed by the Authority and/or the System Operator. This shall include the indicators listed below:</p> <ul style="list-style-type: none"> <li>(i) Capacity factor</li> <li>(ii) Network availability</li> <li>(iii) Bulk power transformer availability factor</li> <li>(iv) Energy transmitted</li> <li>(v) Energy meter reading data</li> <li>(vi) Data on system losses</li> <li>(vii) Forced outage hours</li> <li>(viii) Planned outage hours</li> <li>(ix) Network parameters</li> <li>(x) Analysis of major system incidences</li> <li>(xi) Worker safety performance measures</li> <li>(xii) Project status reports</li> <li>(xiii) Penalties imposed for failure and defects in electricity supply.</li> </ul> <p>(2) The Transmission Licensee shall make available information collected from substations to the System Operator and/or other Licensees as may be required from time to time.</p> <p>(3) The Transmission Licensee shall submit to the Authority biannual reports on Transmission Energy Losses with aggregated information on losses in the format and manner prescribed by the Authority.</p> <p>(4) The Transmission Licensee shall undertake a study of the Transmission System at least once every 3 years to determine the losses.</p>
<b>Reporting Obligations for a Distribution Licensee</b>	26.	<p>(1) A Distribution Licensee shall submit the reliability and quality of supply as well as the quality of service indicators monthly and annually to the Authority in the format and manner prescribed by the Authority. This shall include the indicators listed below:</p>



		<ul style="list-style-type: none"> <li>(i) Number of Retail Supply Licensees served by the Licensee</li> <li>(ii) Number of power supply interruptions and durations</li> <li>(iii) SAIDI (System Average Interruption Duration Index) for Forced interruptions</li> <li>(iv) SAIFI (System Average Interruption Frequency Index) for Forced interruptions</li> <li>(v) Response time to Retail Supply Licensees' requests and complaints</li> <li>(vi) Penalties imposed for failure and defects in electricity supply.</li> <li>(vii) Number of compensation claims for failure and defects in electricity supply.</li> <li>(viii) Total quantity of energy received from generation Licensees and/or from Transmission Licensees</li> <li>(ix) Energy meter reading data</li> <li>(x) Total energy billed to Retail Supply Licensees, differentiated by voltage level and tariff per county covered by the Licensee.</li> <li>(xi) Number of connections</li> <li>(xii) Worker safety performance measures</li> <li>(xiii) Total number of criminal court cases relating to Energy Act violations</li> <li>(xiv) Data on off-grid systems in the form and manner prescribed by the Authority and any applicable laws.</li> </ul> <p>(2) The Distribution Licensee shall submit to the Authority biannual reports on Distribution Energy Losses with aggregated information on losses in the format and manner prescribed by the Authority.</p> <p>(3) The Distribution Licensee shall undertake a study of the Distribution System at least once every 3 years to determine the technical and non-technical losses.</p>
<b>Reporting Obligations for Distribution Licensee who holds a Retail Supply License</b>	27.	<p>(1) A Distribution Licensee who holds a Retail Supply License shall submit the reliability and quality of supply as well as the quality of service indicators monthly and annually to the Authority in the format and manner prescribed by the Authority. This shall include the indicators listed below:</p> <ul style="list-style-type: none"> <li>(i) Number of consumers served by the Licensee</li> <li>(ii) Number of power supply interruptions</li> <li>(iii) SAIDI (System Average Interruption Duration Index) for Forced interruptions</li> <li>(iv) SAIFI (System Average Interruption Frequency Index) for Forced interruptions</li> </ul>

		<ul style="list-style-type: none"> <li>(v) CAIDI (Consumer Average Interruption Duration Index) for Forced interruptions</li> <li>(vi) Response time to consumer requests and complaints</li> <li>(vii) Penalties imposed for failure and defects in electricity supply.</li> <li>(viii) Number of compensation claims for failure and defects in electricity supply.</li> <li>(ix) Total quantity of energy received from generation Licensees and/or from Transmission Licensees Total energy billed to Consumers or to retail Licensees, differentiated by voltage level and tariff per county covered by the Licensee.</li> <li>(x) Energy meter reading data</li> <li>(xi) Number of disputed bills and adjusted bills</li> <li>(xii) Number of connections</li> <li>(xiii) Worker safety performance measures</li> <li>(xiv) Total number of criminal court cases relating to Energy Act violations</li> <li>(xv) Data on off-grid systems in the form and manner prescribed by the Authority and any applicable laws.</li> </ul> <p>(2) The Distribution Licensee who holds a Retail Supply Licence shall submit to the Authority biannual reports on Distribution Energy Losses with aggregated information on losses in the format and manner prescribed by the Authority.</p> <p>(3) The Distribution Licensee shall undertake a study of the Distribution System at least once every 3 years to determine the technical and non-technical losses.</p>
<p><b>Reporting Obligations of a Retail Supply Licensee</b></p>	<p>28.</p>	<p>(1) The Retail Supply Licensee shall submit the reliability and quality of supply as well as the quality of service indicators monthly to the Authority in the format and manner prescribed by the Authority. This shall include the indicators listed below:</p> <ul style="list-style-type: none"> <li>(i) Number of consumers served by the Licensee</li> <li>(ii) Number of power supply interruptions</li> <li>(iii) CAIDI (Consumer Average Interruption Duration Index) for Forced interruptions</li> <li>(iv) Response time to consumer requests and complaints</li> <li>(v) Penalties imposed for failure and defects in electricity supply.</li> <li>(vi) Number of compensation claims for failure and defects in electricity supply.</li> <li>(vii) Total quantity of energy purchased from Licensees</li> <li>(viii) Total energy billed to Consumers, differentiated by voltage level and tariff per county covered by the Licensee.</li> <li>(ix) Energy meter reading data</li> </ul>

		<ul style="list-style-type: none"> <li>(x) Number of disputed bills and adjusted bills</li> <li>(xi) Number of connections</li> <li>(xii) Worker safety performance measures</li> <li>(xiii) Criminal court cases relating to Energy Act violations</li> </ul> <p>(2) The Retail Supply Licensee shall submit to the Authority biannual reports on commercial losses with aggregated information on losses in the format and manner prescribed by the Authority.</p>
<b>Events of which Licensees must promptly notify the Authority in writing</b>	29.	<p>Every Licensee shall notify the Authority in writing of the occurrence of any of the following events:</p> <ul style="list-style-type: none"> <li>(i) Any accident or incident causing loss of life, personal injury, explosion, oil spill, fire or any other accident or incident causing harm or damage to the environment or property which has arisen from and in the course of the generation, transmission, distribution or retail supply of electrical energy by the Licensee, within Kenya or within Kenya's Exclusive Economic Zone or Outer Continental Shelf. This shall also include incidents or accidents which have arisen in or about the Licensees undertakings, provided that such notice shall be sent not later than 48 hours, by post and/or electronic means after occurrence of the incident or accident or as the case may be when the incident or accident becomes known to the licensee.</li> <li>(ii) Any event which threatens the Licensee's financial ability to discharge its obligations under its License or any Power Purchase Agreement;</li> <li>(iii) Any forced outage affecting a significant portion of the undertaking which is likely to subsist for a continuous undetermined duration</li> </ul>
<b>PART V: COMPLIANCE MONITORING AND ENFORCEMENT ACTIONS</b>		
<b>Monitoring of compliance and data audit by the Authority</b>	30.	<ul style="list-style-type: none"> <li>(1) The Authority may audit the reliability and quality of supply as well as the quality of service data and information maintained by the Licensee.</li> <li>(2) The Licensee shall give officers of the Authority access to the Licensee's undertakings for the purposes of conducting the data audit or inspections for ascertaining if the provisions of these Regulations and the Act are complied with.</li> <li>(3) Any licensee who, without reasonable cause, resists, hinders or obstructs the Authority or the Authority's agent from carrying out an audit or inspection shall be liable to a penalty.</li> </ul>
<b>Penalties</b>	31.	<ul style="list-style-type: none"> <li>(1) Licensees under these regulations are subject to penalties and other sanctions in accordance with the provisions of the Act.</li> <li>(2) When it is proved that the Licensee is in violation of performance standards or reporting obligation: <ul style="list-style-type: none"> <li>(i) The Authority may issue an order requiring the Licensee to take</li> </ul> </li> </ul>

		<p>specific actions in order to rectify the violation; and</p> <p>(ii) Where the Licensee does not address the non-compliance as ordered by the Authority, the Authority may commence enforcement proceedings, which may consist of monetary sanctions, license suspension or revocation.</p> <p>(3) Before commencing the enforcement proceedings;</p> <p>(i) The Authority shall give a notice of not less than Thirty (30) days to the licensee requiring the licensee to show cause why the licensee should not be penalized.</p> <p>(ii) The Notice shall state clearly the default(s).</p> <p>(iii) The Licensee shall within the timelines stated in the Notice respond in writing to the Authority.</p> <p>(4) Each violation of any performance standard, reporting obligation or of these regulations shall constitute a single, separate and distinct violation. Provided however, that a single incident or interruption affecting multiple Consumers shall be deemed as a single violation.</p> <p>(5) In a proceeding to determine penalties for any violation, the Authority in consultation with the licensee shall consider the extent to which the performance standard or reporting obligation did not meet the established requirement and the extent to which the Licensee may have complied with the requirement.</p> <p>(6) The penalties for the breach of performance standards or reporting obligations are as specified in the <b>Second Schedule</b>.</p> <p>(7) Any penalty imposed under these regulations shall be paid not later than One Hundred and Twenty (120) days from the date of such demand</p>
<p><b>Compensation by Licensees</b></p>	<p>32.</p>	<p>(1) A licensee shall be liable to pay appropriate compensation to a person if due to failure, poor quality or irregularity of electricity supply, the person incurs damage to his or her property, financial loss, loss of life due to negligence or avoidable default by the Licensee, provided that the breach is reported in writing within Thirty (30) days of the breach.</p> <p>(2) A claim for compensation shall be lodged in writing within twelve months of the breach in respect of which the claim is made.</p> <p>(3) Where a licensee is to pay compensation to a person, the licensee shall, subject to these regulations pay the amount specified, or in kind, to the person within three months after determination of the claim.</p> <p>(4) The application process for compensation is set out in the <b>Third Schedule</b>.</p> <p>(5) Claims for compensation shall be computed as set out in the <b>Fourth Schedule</b></p> <p>(6) An application for compensation shall be made to the Licensee on <b>Form 1</b> set out in the <b>Fifth Schedule</b></p> <p>(7) The licensee shall keep a record of all complaints received through any mode for a period of Seven (7) years from the date of reporting.</p>

<p><b>Exceptions to penalties and compensation payment</b></p>	<p>33.</p>	<p>(1) A Distribution or Retail Supply licensee shall not be liable to pay any penalty or compensation under these Regulations if the failure, poor quality or irregularity of electricity supply was:</p> <ul style="list-style-type: none"> <li>(i) Caused by; <ul style="list-style-type: none"> <li>(a) Third party interference to the licensee's Electric Supply Lines</li> <li>(b) Inevitable accident</li> <li>(c) Force majeure</li> <li>(d) Electrical fault on the Consumer's side beyond the consumer metering point</li> <li>(e) Illegal activities and unauthorized access to the Licensees infrastructure</li> <li>(f) Persons' own fault</li> </ul> </li> <li>(ii) So slight as not to materially affect the quality or value of the supply.</li> <li>(iii) Not reported in writing within thirty days of the breach.</li> </ul> <p>(2) Third party interference to the Licensee's Electric Supply Lines includes but are not limited to:</p> <ul style="list-style-type: none"> <li>(i) Substantial loss of generation affecting major parts of the country;</li> <li>(ii) Faults on transmission grid not owned by the licensee;</li> <li>(iii) Excavation of licensee's infrastructure during road constructions;</li> <li>(iv) Inability to gain access to the consumer's premises;</li> <li>(v) Vandalism of Electric Supply Lines of the licensee;</li> <li>(vi) Interference of Electric Supply Lines by vehicles, animals and aircrafts;</li> <li>(vii) Falling trees and buildings outside the wayleave trace area; and</li> <li>(viii) Interference of wayleave trace area.</li> </ul>
<p><b>Complaint and Dispute Resolution</b></p>	<p>34.</p>	<p>(1) A consumer who is not satisfied with or affected by electrical energy supplied, may complain in writing to the licensee.</p> <p>(2) A person who incurs damage to his or her property, financial loss, loss of life due to negligence, avoidable default, failure, poor quality or irregularity of electricity supply by the licensee may complain in writing to the licensee.</p> <p>(3) The licensee shall deal with the consumer's complaint in accordance with its complaints handling and dispute resolution procedures.</p> <p>(4) Where the licensee fails to address a complaint to the satisfaction of the complainant, the complainant may lodge a dispute with the Authority in accordance with the applicable regulations on complaints and disputes resolution</p>

**FIRST SCHEDULE ( r,10(1), r.37(6))**

**PENALTIES TO BE IMPOSED BY THE AUTHORITY**

<b>Regulation</b>	<b>Description of Violation</b>		<b>Performance Standard</b>	<b>Penalty</b>
22 , 29	Violation of Reporting Obligation	Monthly Report Delayed	To be submitted by the 14th day of subsequent month	Kshs. 5,000/- per day for the first 10 days that the report is not submitted  Kshs. 10,000/- per day from the 11 <sup>th</sup> to 20 <sup>th</sup> day that the report is not submitted  Kshs. 20,000/- per day from the 21 <sup>st</sup> to 30 <sup>th</sup> day that the report is not submitted.
		Annual Report Delayed	Within 120 days after the end of the financial year	Kshs. 100,000/-
		Delay to report accidents and incidents that should be reported to the Authority	Within 48 hours after the accident or incident becomes known to the Licensee.	Kshs. 10,000/- per day for the first 10 days that the incident is not submitted  Kshs. 20,000/- per day from the 11 <sup>th</sup> to 20 <sup>th</sup> day that the incident is not submitted  Kshs. 40,000/- per day from the 21 <sup>st</sup> to 30 <sup>th</sup> day that the incident is not submitted.

Regulation	Description of Violation	Performance Standard	Penalty	
22	Violation of Customer Service Timelines	Delay in connection of service for Paid Up Consumers	As per Service Charter	Ksh. 5,000/- per month for the total delays for premium consumers (25kVA and above single meter)  Ksh.2,000/- per month for the total delays for ordinary consumers (below 25kVA)
		Delay in communicating meter testing results to Consumer	As per Service Charter	Ksh.100/- per each day of delay up to a maximum of 1,000.00
		Delay in responding to Consumer complaints	As per Service Charter	Ksh. 1,000/- per month for the total delays
		Failure to notify consumers for planned interruption	48hr prior notice	Kshs. 10,000/- per interruption
30	Delay or hindering or obstruction Authority from carrying out audit or inspection	Without reasonable cause	Kshs. 1,000/- for each day that the incident persists Up-to a maximum of Kshs. 50,000/-	
24	Failure to achieve Generation Licensee Guaranteed Performance Standards	Frequency	As stipulated in the KNTGC	Ksh.1,000/- per month for each violation
		Terminal Voltage	As stipulated in the KNTGC	Ksh.1,000/- per month for each violation
		Harmonic Distortion	As stipulated in the KNTGC	Ksh.1,000/- per month for each violation
25	Failure to achieve Transmission Licensee Guaranteed Performance Standards	Harmonic Distortion	As stipulated in the KNTGC	Ksh.1,000/- per month for each violation.
		Voltage Flicker	As stipulated in the KNTGC	Ksh.1,000/- per month for each violation.

Regulation	Description of Violation	Performance Standard	Penalty	
		ANOFT	As stipulated in the KNTGC	Ksh.1,000/- per month for each violation.
		ADFI	As stipulated in the KNTGC	Ksh.1,000/- per month for each violation.
		Transmission line Annual Availability	As stipulated in the KNTGC	Ksh.1,000/- per month for each violation.
26, 27	Failure to achieve Distribution Licensee Guaranteed Performance Standards	Voltage limits	As stipulated in the KNDGC	Ksh.1,000/- per month for each violation.
		Level of harmonic distortion level	As stipulated in the KNDGC	Ksh.1,000/- per month for each violation.
		Reliability Indicators (SAIFI, SAIDI, CAIDI)	As stipulated in the KNDGC and or as set by the Authority from time to time.	KSh. 20,000/- per year
28	Failure to achieve Retail Supply Licensee Guaranteed Performance Standards	Voltage limits	As stipulated in the KNDGC	Ksh.1,000/- per month for each violation.
		Harmonic distortion	As stipulated in the KNDGC	Ksh.1,000/- per month for each violation.
		Reliability Indicators (SAIFI, SAIDI, CAIDI)	As stipulated in the KNDGC and or as set by the Authority from time to time.	KSh. 20,000/- per year



**SECOND SCHEDULE (r.28(2))**

**REPORTS REQUIRED BY THE AUTHORITY AND SYSTEM OPERATOR**

<b>REGULATION</b>	<b>REPORT REQUIRED</b>	<b>TIMELINE</b>
26(1)	Every Distribution and Retail Supply Licensee shall submit to the Authority reports about malfunctions, interruptions, problems in quality of supply and service and consumers' complaints in the form and manner approved by the Authority.	<b>Monthly</b>
28(5)	After the end of each month, and financial year of the Licensee, the Licensee shall submit to the Authority performance reports indicating the reliability and quality of supply as well as quality of service during the period under review against the set performance standards. The monthly report shall be submitted not later than the Fourteenth day of the succeeding month while the yearly report shall be submitted within One Hundred And Twenty (120) days of the end of the Licensee's financial year.	<b>Monthly &amp; Annual</b>
28(6)	The Licensee shall submit annual reports to the Authority on its undertaking that encompass the financial and technical aspects, within One Hundred and Twenty (120) days of the end of the Licensee's financial year, or such other period approved by the Authority.	<b>Annual</b>
29	The System Operator shall periodically provide the Authority with system operations and dispatch performance indicators in the format and manner prescribed by the Authority.	<b>Monthly &amp; Annual</b>
30	The Generation Licensee shall provide to the Authority and/or System Operator with monthly and annual performance indicators for each Generating Plant in the format and manner prescribed by the Authority and/or the System Operator.	<b>Monthly &amp; Annual</b>
31(1)	The Transmission Licensee shall provide the Authority and/or System Operator with monthly and annual performance indicators for its Transmission network in the format and manner prescribed by the Authority and/or the System Operator.	<b>Monthly &amp; Annual</b>
31(3)	The Transmission Licensee shall submit to the Authority biannual reports on Transmission Energy Losses with aggregated information on losses in the format and manner prescribed by the Authority.	<b>Biannual</b>

REGULATION	REPORT REQUIRED	TIMELINE
32(1)	A Distribution Licensee shall submit the reliability and quality of supply as well as the quality of service indicators monthly and annually to the Authority in the format and manner prescribed by the Authority	<b>Monthly &amp; Annual</b>
32(2)	The Distribution Licensee shall submit to the Authority biannual reports on Distribution Energy Losses with aggregated information on losses in the format and manner prescribed by the Authority	<b>Biannual</b>
33(1)	A Distribution Licensee who holds a Retail Supply License shall submit the reliability and quality of supply as well as the quality of service indicators monthly and annually to the Authority in the format and manner prescribed by the Authority	<b>Monthly &amp; Annual</b>
33(2)	The Distribution Licensee who holds a Retail Supply Licence shall submit to the Authority biannual reports on Distribution Energy Losses with aggregated information on losses in the format and manner prescribed by the Authority	<b>Biannual</b>
34(1)	The Retail Supply Licensee shall submit the reliability and quality of supply as well as the quality of service indicators monthly to the Authority in the format and manner prescribed by the Authority	<b>Monthly &amp; Annual</b>
34(2)	The Retail Supply Licensee shall submit to the Authority biannual reports on commercial losses with aggregated information on losses in the format and manner prescribed by the Authority	<b>Biannual</b>

### **THIRD SCHEDULE (r.38(4))**

#### **APPLICATION PROCESS FOR COMPENSATION**

For purpose of processing compensation, the licensee shall put in place adequate procedures and mechanisms for resolving compensation complaints in respect of property damage, financial losses, bodily injury and or loss of life due to failure, poor quality or irregular supply of electricity

##### **(1) Reporting of Complaints**

- (i) The Complainant shall report a complaint in writing to the licensee with supporting documentation if any.
- (ii) A unique complaint reference number shall be generated and the reference number communicated to the complainant immediately on receipt of such complaint. Provided that in case a complaint is received through post, the reference number shall be communicated within 3 (three) working days from the date of receipt.
- (iii) Where the licensee becomes aware of an incidence specified in section 166 (2) of the Act through print and/or electronic media a unique complaint reference number shall be generated for record purposes;
- (iv) The licensee shall investigate and compile reports on all incidences specified in section 166(2) of the Act within thirty (30) days;
- (v) The reports to be compiled by the licensee shall include; incidence reports, safety reports, security reports, installation reports and any such other report as may be required by the Authority from time to time;
- (vi) Reported complaints shall thereafter be resolved in line with the Licensees Complaint Handling procedure and Service Charter

##### **(2) Filing of a Compensation Claim**

- (i) Subsequent to the registration of a complaint, where a person suffers property damage, bodily injury and or loss of life, or financial losses due to failure, poor quality or irregular supply of electricity, and intends to file a claim for compensation, such person, their next of kin and or legal representative shall lodge a written claim for compensation using the Compensation Claim Registration Form prescribed in the Fourth Schedule, provided all such claims shall exclude Consequential Loss(es).
- (ii) The lodging of a compensation claim in Regulation 62 shall be within a period of Thirty (30) days from the time of occurrence of the incident likely to result in a claim for compensation;
- (iii) The person lodging a compensation claim with the licensee shall be required to produce documentation in support of their claim as follows;
  - (a) In all cases, complete the licensee's claim form indicating date and time of incidence, circumstances of the events leading to the claim, tabulation of losses suffered, witnesses to the incidence where applicable, proof of ownership and a declaration that the information provided is true to the best of the person belief and knowledge;
  - (b) In all cases, a National Identification Card/Passport shall be required;

- (c) In all cases, a police abstract shall be required;
  - (d) In the case of property damage, receipts and or pro-forma invoices in evidence of the value of property damaged and or valuation reports where applicable;
  - (e) In the case of financial losses, financial statements on account of the losses suffered;
  - (f) In the case of bodily injury, applicable medical reports and treatment notes and a medical certificate by a competent medical practitioner detailing nature and extent of injuries suffered. Provided that where such claim for bodily injury occurs in a registered workplace then the provisions of OSHA shall apply;
  - (g) In the case of loss of life, post-mortem report, burial permit, death certificate and any other relevant document. Provided that where such claim for loss of life occurs in a registered workplace then the provisions of OSHA shall apply;
- (iv) Compensation claims shall thereafter be reviewed and processed in line with the Licensees' Complaint Handling Procedure and Service Charter.

**FOURTH SCHEDULE (r.38(5))**

**Compensation Computation**

<b>Nature of Claim</b>	<b>Computation of Compensation</b>
Property Damage Claims	Purchase value less depreciation (appreciation where applicable) less salvage value and not new for old or as may be agreed between the affected person and the licensee
Financial loss	Value(s) as may be agreed between the affected person and the licensee.
Bodily injury claims	As may be agreed between the affected person and the licensee, or as determined under OSHA or by the courts
Loss of life claims	As may be agreed between the administrator of the estate of the deceased and the licensee, or as determined under OSHA or by the courts.

**FIFTH SCHEDULE (r.38(6))**

**Form 1: Compensation Claim Registration Form (To be filled n Duplicate)**

**REPORT FOR PROPERTY DAMAGE/BODILY INJURY DUE TO FAILURE OF SUPPLY, POOR QUALITY OF SUPPLY.**

**Reference number:** \_\_\_\_\_

**A. Personal Details:**

**Date** \_\_\_\_\_

I. Name: \_\_\_\_\_

II. Postal Address: \_\_\_\_\_

III. Physical Address: \_\_\_\_\_

IV. Electricity Account No: (if applicable) \_\_\_\_\_

V. I.D/Passport No: \_\_\_\_\_

VI. Telephone No: \_\_\_\_\_

VII. E-mail Address: \_\_\_\_\_

VIII. Premises Occupied for: (if applicable) Business  Residential

IX. The Premises is: Rented  Owner -Occupier

**B. The Nature of Complaint:**

I. Date and time of occurrence (of the matter complained about):  
\_\_\_\_\_

II. How did the incident occur?  
\_\_\_\_\_

III. Name of witnesses (if any)  
\_\_\_\_\_

**C. Nature of Loss**

I. State the nature of loss:

Property  Injury

Please list the items at the back of this page

Other (s) Please specify \_\_\_\_\_

II. Estimated Loss Kshs. \_\_\_\_\_

III. Was the licensee notified? Yes  No

If yes, please give Office reported to \_\_\_\_\_ ref no.----- Date of report-----

IV. Was any other office(s) other than the licensees notified? Yes  No

If yes, please give Office reported to-----ref no.----- Date of report-----

Name: \_\_\_\_\_

Signature \_\_\_\_\_ Date: \_\_\_\_\_

Have you filled the form yourself? Yes  No

If No, name of Person Assisting \_\_\_\_\_

ID/Passport No \_\_\_\_\_ Relationship \_\_\_\_\_

Telephone No: \_\_\_\_\_ Postal Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

(For Official use only) Receiving Officers details and Official Stamp

Name: \_\_\_\_\_

Designation: \_\_\_\_\_

Date: \_\_\_\_\_

Licensees' Official Stamp: \_\_\_\_\_

*Please note that It is a criminal offence to provide false information.*

*Please note that this form is issued "Without Prejudice"*

**PART A: PROPERTY CLAIMS**

Item Damaged (Please Indicate Model or Serial No)	Date of Purchase	Repair Cost

*Please note that It is a criminal offence to provide false information.*

**Declaration**

I hereby declare that what is stated herein is true to the best of my knowledge, information and belief.

Applicants Signature \_\_\_\_\_ Date \_\_\_\_\_

**PART B: INJURY CLAIMS**

Name of affected person(s)	
Next of kin or Representative (where applicable)	
Profession, Business or Occupation	
Age	
Gender	
Name of Employer	
Date and Time of Incident	
Location of Incident	
Circumstances of Incident (State How it Occurred)	
Nature of Injuries Sustained	
Name and Address of medical facility/attending Doctor	

*Please note that It is a criminal offence to provide false information.*

**Declaration**

I hereby declare that what is stated herein is true to the best of my knowledge, information and belief.

Applicants Signature \_\_\_\_\_ Date \_\_\_\_\_