

ELECTRICITY SUPPLY AND DISTRIBUTION (STANDARDS OF PERFORMANCE) REGULATIONS, 2008

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IN exercise of the power conferred on the Board of the Energy Commission acting in consultation with the Public Utilities Regulatory Commission by section 27 of the Energy Commission Act, 1997, (Act 541) these Regulations are made this 4th day of June, 2008,

Purpose and application

Purpose

1. The purpose of these Regulations is to provide for performance benchmarks for electricity supply and distribution in conformity with the provisions of Electricity Supply and Distribution (Technical and Operational) Rules, 2005 (L.I. 1816).

Application

2. (1) These Regulations apply to electricity supply and distribution utilities licensed by the Commission.

(2) For the purpose of this regulation, "electricity supply and distribution utility" means a person licensed under the Act to distribute and sell electricity without discrimination to consumers in an area or zone designated by the Commission.

Application for new service

Breach of application processing procedures

3. (1) A supplier of electricity shall process a customer's application for connection to electricity services in accordance with the requirements specified in rule 2 of Electricity Supply and Distribution (Technical and Operational) Rules, 2005 L.I. 1816.

(2) A supplier shall, subject to these Regulations, pay the customer the sum prescribed in the Schedule where

(a) that supplier fails to provide the applicant with an estimate and charges for the connection service within

(i) five working days, if the connection is to be made from an existing supply line; or

(ii) two weeks, if the connection requires a line extension,

(b) that supplier fails to provide the connection service to a customer after that customer has paid the required charges for the connection service within

(i) five working days if the connection is to be made from an existing supply line; or

(ii) one month if the connection requires a line extension.

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Reliability of electricity supply

Interruption of supply

4. (1) A supplier of electricity shall ensure that the cumulative electricity interruption for each customer within an operational year does not exceed:

- (a) forty-eight hours, in a metropolitan or municipal area, or industrial estate;
- (b) seventy-two hours, in a district capital; and
- (c) one hundred and forty-four hours, in a rural area.

(2) Despite subregulation (1) the supplier shall ensure that the electricity interruption to a customer's premises within an operational year does not exceed six periods.

(3) Despite subregulations (1) and (2) the duration of each outage shall not exceed:

- (a) eight hours, in a metropolitan or municipal area or industrial estate;
- (b) twelve hours, in a district capital; and
- (c) twenty-four hours, in rural areas.

(4) For the purposes of subregulations (1), (2) and (3) the period of an interruption shall be consistent and commence from the time the supplier is initially informed by:

- (a) a customer that the supply to the customer's premises has been interrupted; or
- (b) a person other than the customer or is otherwise made aware by the operation of any automatic system operated by the supplier in circumstances in which the supply to the customer's premises has been interrupted or may reasonably be expected to have been interrupted.

(5) Despite subregulations (1), (2), (3) and (4) an interruption of supply to a customer shall not be treated as wrongful where

- (a) the interruption was as a result of a major fault or damage to an indispensable equipment in the electricity supplier's distribution system subject to subregulation (6);
- (b) the interruption was as a result of a failure of, fault in or damage to either the transmission system to which the electricity supplier's distribution system was connected or a generating station connected to that transmission system; or

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(c) the interruption was as a result of a failure of, fault in or damage to a generating station connected to the supplier's distribution system;

(d) the interruption was one for

- (i) planned maintenance,
- (ii) emergency,
- (iii) supply disconnection,
- (iv) load shedding, or
- (v) safety of supply

as permitted under the Electricity Supply and Distribution (Technical and Operational Rules, 2005 (L.I. 1816); and

(e) the customer informed the supplier that the customer did not wish the supplier to take any action.

(6) Where a major outage was due to the negligence of the supplier, paragraph (a) of subregulation (5) shall not apply.

(7) A supplier shall, subject to these Regulations, pay into the Energy Fund the sum prescribed in the Schedule where that supplier is in breach of the supply interruption limits specified in subregulations (1), (2) and (3).

(8) Subject to regulation 19, the sum prescribed in the Schedule shall not be paid by the supplier where

(a) the supplier has not received a claim for compensation from the customer within a period of three months after the expiry of the relevant year;

(b) the interruptions were not in respect of supply to the same premises; or

(c) the customer or where more than one person is the customer, at least one such person was not the customer of the premises to which the supply was interrupted on the occasion of each of the interruptions as a result of which this regulation applies.

Restoration of supply

5. (1) Where a supplier is informed of an interruption in the customer's supply due to a fault in or damage to the supplier's distribution system either by the customer or a person other than the customer, the supplier shall, unless the fault was caused by a natural disaster, restore supply to the customer's premises

(a) in the case of a minor fault, within

(i) eight hours, in the case of a metropolitan or

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- (ii) twelve hours, in the case of a district capital; and
- (iii) twenty four hours, in the case of a rural area; or
- (b) in the case of a major fault that would require capital intensive equipment replacement, within
 - (i) eighty hours, in the case of a metropolitan or municipal area or industrial estate,
 - (ii) one hundred and twenty hours, in the case of a district capital, and
 - (iii) two hundred and forty hours, in the case of a rural area.

(2) A supplier shall restore electricity supply to a customer who has been disconnected for non-payment of electricity bill or undisputed arrears within

- (a) six hours, in the case of a metropolitan or municipal area or industrial estate,
 - (b) twelve hours, in the case of a district capital, and
 - (c) eighteen hours, in the case of a rural area,
- after settlement of all outstanding financial obligations.

(3) Where the electricity supply to a customer's premises is interrupted by natural disaster supply shall be restored by the supplier within the period specified in subregulations (1) and (2) after the situation returns to normalcy.

(4) A supplier shall pay the customer the sum prescribed in the Schedule, subject to regulation 19,

- (a) where the supplier fails to restore supply to the customer's premises in accordance with the time specified in subregulations (1) and (2); and
- (b) in respect of each consecutive twelve-hour period after the expiry of the period specified for the restoration of supply.

(5) Subject to regulation 19, the sum prescribed shall not be paid by the supplier where

- (a) it was not practicable for the supplier to be aware that the supply had not been restored; or
- (b) the premises or the vicinity within which the premises is situated is supplied through an electric feeder situated on a river or sea bed; or
- (c) the premises is situated on an island and no alternative means of supply to the island exists.

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Breach of requirement for notice of interruption

6. Where a supplier

(a) fails to give notice of a planned interruption of supply through

(i) public notice,

(ii) direct contact by telephone, electronic mail, satellite phone broadcast or any other appropriate communication system; or

(b) gives notice but interrupts the supply at a time or on a day other than the time or day stated in the notice;

the supplier shall pay into the Energy Fund the sum prescribed in the Schedule but subject to regulation 19.

Reporting standards

7. (1) A supplier shall prepare and submit to the Commission and the Public Utilities Regulatory Commission separate technical and financial reports quarterly and annually which shall contain proper records of the performance of the supplier over the relevant period.

(2) A supplier shall submit to the Commission and Public Utilities Regulatory Commission

(a) quarterly technical reports within one month after the end of each quarter, and

(b) quarterly financial reports within two months after the end of each quarter.

(3) A supplier shall, within three months after the end of each operational year in the case of a technical report and within four months after the end of the operational year in the case of a financial report, submit to the Commission and the Public Utilities Regulatory Commission, a report on the levels of performance achieved in respect of the standards of performance for that year.

(4) The supplier shall ensure that the contents of the report submitted under subregulation (1) include

(a) the system average interruption frequency index,

(b) the system average interruption duration index,

(c) the customer average interruption duration index, and

(d) Financial Statements.

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(5) Where a supplier fails to submit the quarterly reports and annual reports in the manner specified in this regulation, the supplier shall, pay to the Commission and Public Utilities Regulatory Commission the sum prescribed in the Schedule.

System Voltage

System voltage complaint

8. (1) Subject to regulation 21(1), a supplier shall ensure that the voltage at the point of supply to a customer's premises or electrical installation is within plus or minus ten percent of the following voltage levels:

- (a) 230 Volts,
- (b) 400 Volts,
- (c) 11 Kilovolts,
- (d) 33 Kilovolts, or
- (e) 34.5 Kilovolts.

(2) A supplier shall visit a customer's premises within twenty four hours on receiving a supply voltage complaint to investigate and where possible, rectify any problem where the supplier

- (a) has been notified that the electricity supply to a customer's premises is, or has been at a voltage outside the limits of the permitted variations prescribed in subregulation (1), or
- (b) may have reason to expect that an event which has occurred within the distribution system or in the power system external to the distribution system may have been the cause of the supply voltage being outside the limits of the permitted variations.

(3) Despite subregulation (2), the supplier shall within seven days after receiving notice of the supply voltage problem send to the customer an explanation of the cause of the problem.

(4) Where the supplier fails to visit the customer's premises, investigate and rectify a supply voltage problem contrary to subregulation (2) or to communicate to the customer an explanation of the problem contrary to subregulation (3), the supplier shall, subject to these Regulations

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The meter

Requirement for a meter

9. (1) A supplier shall provide, install and maintain a meter which will measure and record the amount of electricity supplied to the customer within the accuracy limits of that meter class.

(2) The supplier shall in complying with subregulation (1) give priority to

(a) a customer whose estimated consumption of electricity per month is above 300 kilowatthours; and

(b) a customer for whom the Public Utilities Regulatory Commission has ordered the installation of a meter in respect of the customer's premises in the course of the settlement of a complaint.

(3) Where the supplier breaches the requirement to provide a meter within six months, the supplier shall pay the customer the sum prescribed in the Schedule.

Separate meter

10. (1) A supplier shall install a separate meter at the customer's premises where

(a) the customer requesting the separate meter is a distinct household and shares a meter with another household;

(b) the total consumption of electricity by the households which share a meter exceeds 400 kilowatt hours per month or as may be determined from time to time by the Public Utilities Regulatory Commission;

(c) facilities exist on the premises for the supplier to install the separate meter at the customer's own cost;

(d) the customer who requested the separate meter is willing to make the necessary modifications to the wiring system to accommodate the separate meter; and

(e) by installation of the separate meter, the supplier is not required to install any new connection line except for a line to connect the meter where the distance between the meter connection points and the supplier's service fuse or cut-out does not exceed one meter.

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(2) On receipt of the customer's request, the supplier shall visit the premises, assess the situation and provide the customer with estimates for installing the meter within five working days.

(3) Where the customer pays the required charge for a separate meter, the supplier shall provide and connect the separate meter to the electricity distribution system within five working days of the payment.

(4) A supplier who fails to provide the estimates for the separate meter or does not install the meter upon payment of the required charge within the periods specified in subregulations (2) and (3) shall pay to the customer the prescribed amount in the Schedule.

Prepayment meter

11. (1) The supplier shall ensure that a facility for the purchase of credit for a prepayment meter is

(a) established within a ten kilometer distance of the premises where the prepayment meter is installed, and

(b) open for a minimum of eight hours each day of the week.

(2) Where a supplier fails to

(a) provide a facility for the purchase of credit in respect of a prepayment meter contrary to subregulation (1)(a), or

(b) keep the facility for the purchase of credit in respect of a prepayment meter open for the specified duration contrary to subregulation (1)(b),

the supplier shall pay into the Energy Fund the sum prescribed in the Schedule.

(3) Despite subregulation (2), a supplier shall pay into the Energy Fund the sum specified in the Schedule for each succeeding six months that the supplier fails to provide the credit paying facility centre contrary to subregulation (1)(a).

Meter repositioning

12. (1) A customer may apply to the supplier for a change in the position of the electric meter at the customer's premises by stating the reasons for the change in position and indicating the preferred location of the meter.

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(2) On receipt of the customer's request, the supplier shall provide the estimate and charge for repositioning the meter within five working days where the request is reasonable.

(3) Where the supplier rejects the request the supplier shall provide the customer with the reasons for the rejection.

(4) Where the customer pays the required charge, the supplier shall reposition the meter within fourteen days.

(5) Where the supplier fails to provide the estimates and charges contrary to subregulation (2) or fails to reposition the meter contrary to subregulation (4), the supplier shall, subject to these regulations pay the customer the sum prescribed in the Schedule.

Revision of meter

13. (1) A supplier shall each year undertake an audit of meters that have been in operation for twenty years or more and replace at least 75% of the meters each year.

(2) Despite subregulation (1), the supplier shall, within six months after commencement of these Regulations, submit to the Commission

(a) an audit report of the meters in operation for twenty years or more, and

(b) a programme for replacement of the meters within the subsequent twelve months.

(3) A supplier who does not comply with these requirements under these Regulations shall be considered to be in breach of a mandatory technical performance indicator requirement for Public Utilities Regulatory Commission's electricity tariff review.

Meter complaint

14. (1) The supplier shall visit a customer's premises within twenty-four hours after receipt of a meter complaint from that customer in respect of the following matters

(a) that the electric meter on the customer's premises is or may have been operating outside the permitted margins of error; or

(c) that an event has occurred or circumstances exist which the supplier may reasonably expect to have been the cause of a meter operating beyond its margins of error;

and for that reason the supplier shall investigate the complaint.

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(2) A supplier shall after establishing a defect in the operation of a customer's meter replace the customer's defective meter within forty-eight hours.

(3) The supplier shall use an estimated consumption for billing the customer for up to six months, where the supplier has no meter in stock for replacing a defective meter in accordance with subregulation (2).

(4) A supplier who contravenes subregulations (1) to (3) shall pay to the customer the sum prescribed in the Schedule.

Miscellaneous provisions

Payments

15. (1) Where a supplier is to pay compensation to a customer, the supplier shall, subject to these Regulations pay the sum specified to the customer within one month after demand.

(2) A claim for the payment of compensation prescribed in these Regulations shall be made in writing within thirty days after the breach in respect of which the claim is made.

Dispute resolution

16. (1) A customer who is not satisfied with electricity supplied, may complain orally or in writing to the supplier.

(2) The supplier shall deal with the customer's complaint in accordance with its complaint procedures.

(3) Where the supplier fails to address a customer's complaint to the customer's satisfaction, the customer may lodge a complaint with Public Utilities Regulatory Commission in accordance with the Public Utilities (Complaints Procedure) Regulations, 1999 (L.I. 1665).

Notification of rights of customers

17. A supplier shall prepare and make available to its customers, a customer charter summarizing the rights and responsibilities of customers as well as the level of service customers are to expect.

Provision of information

18. A supplier shall, on request provide a customer with information about the services provided to the customer's premises including the

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following

- (a) load profiles and power-factors, where applicable;
- (b) meter readings for electricity supply to the customer's premises;
- (c) the customer's account; and
- (d) the efficient uses of electricity and electric energy conservation practices

Exemptions from compensation payment

19. Subject to these Regulations, a supplier is exempted from payment of compensation to a customer where the breach of duty in respect of which compensation is payable occurred as a result of or in the following circumstances:

- (a) severe weather conditions;
- (b) the inability to gain access to the customer's premises;
- (c) industrial action by employees of the supplier, subject to the Labour Act, 2003 (Act 651);
- (d) a frivolous or vexatious complaint;
- (e) the breach of an enactment was likely to occur if the supplier took the action; or
- (f) failure of the customer to pay any charge required to be paid before an action is taken.

Penalty

20. The penalty units for the contravention of these Regulations are specified in the Schedule.

Transitional provisions

21. (1) A supplier shall achieve the voltage levels specified in regulation 8 (1) within the period specified in the Electricity Supply (Technical and Operational) Rules, 2005 (LI 1816).

(2) The payment of the sums prescribed in the Schedule shall be due two years after the commencement of these Regulations.

Interpretation

22. In these Regulations unless the context otherwise requires:

"Act" means the Energy Commission Act, 1997 (Act 541);

"capital equipment" means major electrical equipment that attaches to the electricity network including among others power and

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distribution transformers, wire and cable, transmission and distribution switch gear;

"Commission" means the Energy Commission established under Section 1 of the Act;

"connection service" means the installation and activation of connection assets in order to distribute electricity;

"customer" means a person that contracts to purchase electricity from a supplier, or an owner or occupier of a premises who is supplied with electricity;

"customer average interruption duration index" means a measure of the average duration of interruptions for customers interrupted during a year;

"distribution system" means a system consisting of a network of electric feeders, transformers, service lines meters, and other distribution switchgear;

"electric feeder" means an overhead conductor or underground cable used for bulk electricity supply;

* "industrial estate" means an area or land demarcated and set aside for factories and warehouses;

"major fault" means a fault that requires capital equipment to fix or remedy such as substation blasts, cable blasts, damaged transformer, damaged switchgear etc;

"minor fault" means a fault that requires minimal capital equipment such as blown substation LV fuse, jumper cut, blown aerial fuse etc.;

* "operational year" is the same as a calendar year;

* "supplier" means an entity that has been licensed by the Energy Commission under the Act as an electricity distributor and retailer;

"system average interruption duration index" means a measure of the average duration of interruptions recorded for the distribution system during a year;

"system average interruption frequency index" means a measure of the average number of interruptions recorded for the distribution system during a year;

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“non-residential” means electricity used by a customer for a purpose other than domestic activity; and

“rural area” means an operational district with a customer population under five thousand and a demand below fifteen megawatts.

PENALTY SCHEDULE (Penalty Units)

Referenced Regulation	Description of Breach	Prescribed Standard	Recipients of Penalty				
			Residential Customer	Non- Residential Customer	Industrial Customer		Energy Commission
					SLT-LV	SLT-MV/HV	
a. 3(2)a	Processing of Application: Untimely provision of estimates =>	Line Exists / Extension required 5 working days / Two Weeks	2 PU/week	5 PU/week	10 PU/week	20 PU/week	
b. 3(2)b	Untimely connection of service=>	5 working days / One Month	3 PU/week	8 PU/week	15 PU/week	25 PU/week	
c. 4(1)	Supply Interruptions: Frequency limit exceeded Duration limit exceeded	Urban /D.Cap/Rural Frequency 6 / 6 / 6 periods Duration 8/12/24 hrs per period Total Dur 48/72/144 hrs per year					200 PU
d. 5(4)a	Supply Restoration after Fault Clearance Supply restoration time elapsed =>	Major Fault 240 hrs Minor Fault 24 hrs Non Payment 18 hrs Rural D.Cap 180 hrs Urban 120 hrs	2 PU/week	5 PU/week	10 PU/week	20 PU/week	
e. 5(4)b	Supply restoration delay beyond deadline ==>	Each succeeding 12-hr delay	1 PU	1 PU	2 PU	2 PU/	
f. 6a	Planned Maintenance: No notice given for supply interruption =>	3 working days prior notice required					40 PU
g. 6b	Non-adherence to notice =>						40 PU
h. 7(5)	Violation of Reports Submission Deadlines: Quarterly Report Delayed > Annual Report Delayed =>	Deadline: 1 or 2 months after quarter for technical & financial reports respectively Deadline: 3 or 4 months after the end of the year for technical & financial reports respectively					40 PU 80 PU
i. 8(3)	System voltage complaint response: Visit to customer premises delayed =====> No formal written explanation of problem from supplier =>	Visit within 24 hours Report within 7 days	2 PU/week 1 PU/week	4 PU/week 3 PU/week	10 PU/week 5 PU/week	15 PU/week 5 PU/week	
j. 9(3)	Meter provision delayed	Within 6 months upon request	2 PU/week	4 PU/week	10 PU/week	15 PU/week	

PENALTY SCHEDULE (Penalty Units) - Continued

Referenced Regulation	Description of Breach	Prescribed Standard	Recipients of Penalty			
			Residential Customer	Non-Residential Customer	Industrial Customer	
					SLT-LV	SLT-MVHV
k. 10(4)	Separate Meter: Unimply provision of estimates => Unimply installation of additional meter ==>	5 working days on receipt of request 5 working days after payment	2 PU/week 2 PU/week	4 PU/week 4 PU/week	10 PU/week 10 PU/week	15 PU/week 15 PU/week
l. 11(2)a	Proximity distance limit of sales facilities exceeded =>	10 kilometer distance of pre-payment meter premises				
m. 11(2)b	Non-adherence to opening hours of credit sales facilities >	Minimum of 8 hrs daily for 7 days each week.				
n. 11(2)	Persistence of non-availability of sales facilities >	Each succeeding 6 months.				
o. 12(2)	Meter repositioning: Unimply provision of estimates ==> Unimply repositioning of meter >	5 working days on receipt of request. Within 14 days after payment	1 PU/week 1 PU/week	3 PU/week 3 PU/week	5 PU/week 5 PU/week	5 PU/week 5 PU/week
p. 14(4)	Meter complaint: Response time elapsed ==>	14(1) - Visit: Within 24 hrs. 14(2) - Replacement: 48 hrs after establishing defect. 14(3) - Estimated Billing: 6 months maximum	3 PU/week	8 PU/week	15 PU/week	25 PU/week

Notes: (a) PU = Penalty Unit
(b) Current Value of 1 PU = \$120,000 : (2007)

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Schedule

Reference Regulation	Description of Breach	Prescribed Standard	Recipients of Penalty					Energy Commission Fund
			Residential Consumer	Non-Residential Consumer	Industrial Consumer	BLTA/WHV	BLTA/WHV	
A. 1(2)	Unintended interruption of electricity →	Line Cuts / Restoration required 5 working days / Two Weeks	2 penalty units/week	5 penalty units/week	10 penalty units/week	20 penalty units/week	200 penalty units	
A. 1(3)	Unintended connection of services →	5 working days / One Month	3 penalty units/week	3 penalty units/week	15 penalty units/week	25 penalty units/week		
C. 4(1)	Supply interruptions Frequency that exceeded Duration that exceeded Duration that exceeded	Within 10 Calendar Days Frequency 6.7/18.7 per day Duration 24/224 hrs per period Total Dn 48/224 hrs per year						
C. 2(4)	Supply Interruption after Fault Clearance	Water Meter Non-Fault Fault Paid Payment Connection Time: 240 24 18 hrs D.Cap 180 12 12 hrs Urban 20 3 8 hrs		5 penalty units/week	10 penalty units/week	20 penalty units/week		
C. 3(1)	Supply Interruption delay beyond 20 mins →	Each accessibility 12-hr delay	1 penalty unit	1 penalty unit	2 penalty units	2 penalty units		
C. 4(2)	Planned Interruptions No notice given for supply interruption → No notice to customer →	3 working days prior notice required					40 penalty units 40 penalty units	
C. 7(3)	Completion of Reports Submission Deadlines Quarterly Report Delayed → Annual Report Delayed →	Deadline: 1 or 2 months after quarter for technical & financial reports respectively Deadline: 3 or 4 months after the end of the year for technical & financial reports respectively					60 penalty units 60 penalty units	
C. 8(3)	System failure complaint response Visit to customer premises delayed → No formal written explanation of incident from supplier →	Visit within 24 hours Report within 7 days	2 penalty units/week 1 penalty unit/week	4 penalty units/week 3 penalty units/week	10 penalty units/week 6 penalty units/week	15 penalty units/week 5 penalty units/week		
A. 3(2)	Power premises delayed	Within 6 months upon request	2 penalty units/week	4 penalty units/week	10 penalty units/week	15 penalty units/week		

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Schedule - Continued

Referenced Regulation	Description of Breach	Prescribed Standard	Penalty Schedule - Continued				Energy Unit
			Residential Consumer	Non-Residential Customer	Residential Consumer	Commercial Consumer	
k. 10(4)	Un timely provision of additional meter	5 working days on receipt of request 5 working days after payment	2 penalty units/week 2 penalty units/week	4 penalty units/week 4 penalty units/week	10 penalty units/week 10 penalty units/week	15 penalty units/week 15 penalty units/week	Perd
l. 11(2)	Un timely provision of additional meter	10 calendar days after of pre-payment meter premises Maximum of 8 hrs daily for 7 days each week Each occurrence of 9 months					40 penalty units 20 penalty units 40 penalty units
m. 11(2)	Un timely provision of additional meter	5 working days on receipt of request Within 14 days after payment	1 penalty units/week 1 penalty units/week	3 penalty units/week 3 penalty units/week	5 penalty units/week 5 penalty units/week	8 penalty units/week 5 penalty units/week	
n. 12(5)	Un timely provision of meter	14 (i) - Within 24 hours 14 (ii) - Replacement: 48 hours after establishing defect 14 (iii) - Estimated Billing: 6 months maximum	3 penalty units/week	8 penalty units/week	15 penalty units/week	25 penalty units/week	

* Any such payments to be shared equally by Local Commission and Public Utilities Regulatory Commission.

[Signature]

PROF. F.K.A. ALLOITY
CHAIRPERSON
ENERGY COMMISSION

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