

Special Memo To Nigeria's Power Minister, NERC & Ors: Before Southeast Goes Up In Flames (1)

(Intersociety & SBCHROs: 21st December 2017)-On Monday, 18th December, 2017, **Int'l Society for Civil Liberties & the Rule of Law (Intersociety), the Southeast Zone of the Civil Liberties Organization (Southeast CLO)** and 13 other members of **the Southeast Based Coalition of Human Rights & Good Governance Organizations (SBCHROs)** sent a 12-page strong worded and statistically grounded *special memo* to Nigeria's Minister of Power and Electricity, Mr Babatunde Raji Fashola, SAN; Acting Chairman of the Nigerian Electricity Regulatory Commission, Dr. Anthony Akah as well as Senate and House Committees' Chairmen on Power and Electricity; Senator Enyinnaya Abiribe and Hon Effiong Daniel.

The *special memo*, referenced: **Ref: Intersociety/SBCHROs/001/012/017/FG/ABJ** and titled: ***Special Memo: Seeking For The Rescue Of The People Of Southeast From Chronic Bondage, Oppressive & Criminal Conducts Of EEDC*** was also copied to the Acting Managing Director of EEDC, Mr. Paul Okeke; Onitsha, Ogidi and Ogbaru Network Managers of EEDC, Engineers Ozo Nweke, Chris Ezeoha and Obi Ughasoro as well as the Ogbaru Outpost Navy Commander, Navy Captain Kabiru Mohammed and others stakeholders in Ogbaru under EEDC's Ogbaru Business District. In the said special investigative memo on *chronic bondage, oppressive and criminal conducts of EEDC in Southeast Nigeria*; Ogbaru Business District was used as our case study, followed by those of Onitsha and Ogidi. The special memo and its full details is attached.

The referenced joint letter of **SBCHROs** is under the coordination of **Intersociety**; containing findings EEDC's untamed and unbearable criminality, recklessness and lawlessness in the entire 18 Business Districts of the Company in Southeast Nigeria and findings made arising from our in-depth investigation into same. The joint letter seeks for expeditious and competent intervention of its recipients to rescue the People of the Southeast or Igbo People of Nigeria from shackles and manacles of EEDC in the Zone.

As petitioners and signatories to the letter, we are deeply concerned over sundry criminal activities and other forms of lawlessness going on in the Enugu Electricity Distribution Company (EEDC). Electricity as the livewire of the people of Southeast Zone or Igbo People of Nigeria and driving force of the economy of the Zone has been brutally denied the people of the Southeast especially since 2012 when EEDC came on board in the Zone. The steady and affordable power supply and associated social convenience and happiness is speedily on the brink; to the extent that criminal syndicates have taken over EEDC; running riot on vulnerable consumers in the Zone with reckless abandon.

We are deeply saddened that the oversight agencies and other mechanisms, such as NERC-Southeast Zone, put in place to checkmate the excesses of the Company so as to compel same to do the needful and subscribe to its corporate social responsibilities and laws of the land; appear weak or compromised. The failure of these oversight bodies to check and tame the excesses of EEDC has emboldened and escalated the criminal activities and lawlessness of the Southeast Power Distribution Company.

As a matter of fact, EEDC appears to have become an outlaw; flouting its terms of agreement with the Federal Government that led to granting of license to same to *distribute and market* power supply to the people of Southeast Nigeria. The most disastrous of it all is the reckless abandon and impunity with which EEDC breaches the clear provisions of the Nigerian Electricity Regulatory Commission Act (*Electric Power Sector Reform (EPSR) Act No 6 of 2005*) and the Fundamental Human Rights and other relevant provisions of Nigeria's 1999 Constitution.

We had in the joint letter recalled that EEDC was formed in 2012 after its major investors won a federal bidding license to take over the assets and liabilities of the distribution department of the Power Holding Company of Nigeria (PHCN) in Southeast Zone as well as provide steady power supply to the Zone and collect lawful revenues in return. We recalled further that EEDC is presently divided into 18 Business Districts with six in Anambra; namely: Onitsha, Awka, Nnewi, Ogbaru, Ogidi and Ekwulobia Districts; four in Enugu: Awkunanaw, Abakpa, Nsukka and Ogui Districts; four in Imo: Mbase, Owerri, New Owerri and Orlu Districts; three in Abia: Ariaria, Aba and Umuahia Districts; and one in Ebonyi: Abakiliki District.

Today, EEDC has become a torn in the fresh of the people of the Southeast Nigeria. In all recent *performance surveys* of NERC and independent others carried out on all the eleven *DISCOS* in Nigeria, EEDC remains the least performing DISCO (Power Distribution Company) in Nigeria. The *demand and supply* content of EEDC is virtually nothing to write home about; other than steadily short-changing and ripping off its innocent consumers with reckless abandon *as well as ripping from where it never sowed*.

We reminded the recipients of our joint letter and the general public that core statutory and constitutional duties of EEDC in Southeast Nigeria where it holds stake are: (a) *distribute and market electricity and collect monthly lawful bills, (b) meter via prepaid metering policy of the Federal Government; all is single phase residential consumers, three phase (R2T) consumers, D1TI consumers and maximum demand or industrial customers, (c) stick to NERC issued tariff pricing of N30.93k per unit and strictly apply NERC recommended billing method for unmetered single phase residential consumers; by using monthly average consumption units consumed by those with functional post paid and prepaid meters (i.e. 50 units multiply by N30.93K).*

Others are: (d) *do not disconnect unmetered consumers that pay reasonable part payment of their estimated monthly bills and issue appropriate notice before disconnecting them, (e) do not carry out mass disconnection by severing feeder lines or disconnecting the entire transformer or residential building; to avoid unlawfully punishing those that have paid as appropriate, (f) issue appropriate disconnection notice and disconnect only the defaulting consumers, (g) provide un-tempered and NERC certified prepaid meters to all consumers in Southeast Nigeria (note: EEDC says it has not metered over 700,000 single phase residences in Southeast Nigeria).*

The rest of EEDC's core statutory and constitutional duties are: (h) adequate provision and installation of distribution transformers, specifically for consumers who are in need and generally for the purpose of ensuring distribution expansion and efficiency, (i) provision of power distribution network accessories including transformer accessories and feeder lines' spares, (j) round-the-clock maintenance of distribution transformers and distribution feeder lines, and (k) disallowing consumers in their groups or in individual to bear the brunt or cost of procuring, installing and maintaining distribution transformers. Etc.

By our credible estimate, 95% of single phase residential consumers in the Southeast Zone are yet to be given prepaid meters. Also majority of three phase customers (R2T), D1TI consumers and maximum demand or industrial customers in Southeast Nigeria are yet to be metered or given prepaid meters. That is to say that all the four categories of consumers; namely *3-Phase, D1TI, MD and S-Phase consumers* are still made to pass through teething agonies of EEDC's criminally imposed and outrageous monthly estimated bills.

We noted with total sadness that not only that industrial and non industrial (residential) consumers of EEDC in Southeast Nigeria are totally left to shoulder the responsibilities of procuring, installing and maintaining distribution transformers and their accessories, they are also over-billed, threatened, forced, despised and extorted. Customer service or public complaint response of EEDC, also, is provocatively and acutely slow and in the event of faults on transformers or feeder lines, it takes ages to restore same; except where the affected consumers are forced or ready under duress to defray the costs of their repair or replacement.

Where such transformers are procured and installed by community of consumers, EEDC quickly profiles and possesses them. Minimum of 800 distribution transformers with capacity of 300KVA to 500KVA are procured and installed by politicians, State Governments and community of residential consumers in Southeast Nigeria every year. This translates to a minimum of N3.2Billion yearly including installation costs. That is to say that not less than N16Billion had been injected into power distribution in the Southeast by the trio arising from procurement and installation of over 4000 distribution transformers in the past five years in Southeast Nigeria.

Shockingly, EEDC lays claims to all distribution transformers installed in Southeast Nigeria till date. In other words, those transformers have automatically become "EEDC's properties". In Ogaru Local Government Area of Anambra State, used as our case-study, for instance, over 40 distribution transformers valued at over N120Million (N4M each including installation cost) were "donated" to consumers by politicians including Princesses Stella Oduah and Chinwe Nwaebili and Hon Afam Ogene during the 2015 General Election campaigns alone.

With not less than 800 distribution transformers procured and installed yearly in Southeast by politicians, State Governments and community of consumers; it means that over 4000 distribution transformers have been illegitimately possessed by EEDC. It further means that EEDC is defrauding the People of the Southeast by other means; abdicating its core duties to its consumers and generality of Nigerians. Available records show that the trio of State Governments, politicians and community of consumers have procured and installed more distribution transformers in the Southeast than EEDC itself since 2012.

Independent power experts say that 10,000 distribution transformers especially 300KVAs, 500KVAs and industrial others are required yearly in the Southeast to cushion the effects of power shortage and distribution inadequacy. *Injection and relief substation* project designed to relief ailing transformers and others with overloads; is nowhere to be found in the EEDC. The Company's stock in trade in Southeast Nigeria is revenue hunt and extortion; whereby instead of upgrading and overhauling power distribution in the Zone by provision and installation of adequate distribution transformers and provision of NERC recognized and certified prepaid meters to all four categories of its consumers, EEDC goes hell wire in illicit revenue hunt.

For instance, EEDC in Ogbaru; headed by Engineer Obi Ughasoro has also been severally and credibly accused of disconnecting the single phase residential consumers from its "33KVA Feeder Line" at will and for several days; only to transfer the electricity to some industrial outlets or firms for a price or personal criminal enrichment. As we write, the community of consumers using "33 Atani Feeder Line" is presently in total darkness since past four days. The area comprising over 1000 flat apartments, over 1000 business stores, churches and hospitals is plunged into total darkness for "making under payments"; resulting in less than two days a week power supply.

Against the firm directive and certification of NERC, EEDC has been severally accused by community of consumers of introducing fraudulent prepaid metering system especially for its single phase residential consumers, three-phase (R2T) and D1TI consumers; whereby installed tariff code reading is designed to collapse N5,000 to N10, 000 prepaid credit or card in less than two weeks; whereas in the NERC's certified prepaid meters, N5, 000 credit or card can last for three months depending on consumer's consumption rate.

Yet, at end of every three weeks, the same EEDC returns to the referenced consumers with obnoxious and outrageous estimated bills and force them to pay same at all costs. It is strongly suspected that its new criminal policy of "five days a week total blackout" for consumers using its "33KVA Feeder Line" is a clear case of mercantilism; by using power supply meant for its natural consumers for money making or by way of transferring same to some industries in Ogbaru area for an illicit fee; and at the expense of health, lives, security, safety, leisure and convenience of the single phase consumers of Iyiowa and Odo-Rubber Layouts.

In the area of provision and installation of NERC recognized and certified prepaid meters, 95% of single phase residential consumers in Southeast Zone are yet to be metered. Instead, the Company turns around and brazenly swoops on few PHCN-era prepaid meter owners; accusing them of "tempering with their prepaid meters". This results in indiscriminate arrests and dismantling and taking away of such prepaid meters as well as imposition of "penalty fines" at minimum of N50, 000 per consumer using the said prepaid mater.

The dismantled prepaid meters are only returned to their owners after being tempered and made to consume N5, 000 to N10, 000 prepaid cards in two weeks or less or replaced with EEDC's fraudulent "prepaid meters". The whole idea is designed to defraud and rip off the Southeast consumers and force them to discontinue their agitation for legitimate prepaid meters. EEDC must have reasoned that with such fraudulent prepaid metering system in place, it will be business as usual.

In the area of imposition of estimated bills, till date, EEDC has no acceptable standardized metering for its unmetered consumers and others with faulty post paid meters. The Company has adamantly refused to subscribe to NERC recommended methods of billing its unmetered consumers especially the *single phase residential consumers*. The Company issues outrageous and crazy bills with reckless abandon to its consumers and runs riot on those that pay half of same through violent disconnection of their power lines.

In Ogbaru, the Company now goes to the extent of using the personnel of Nigerian Navy Outpost in Ogbaru for debt recovery and illegal disconnection exercise. Those who resist are beaten to a pulp and arrested. This explains why we sent a copy of our referenced joint letter to the Navy Outpost Commander in Ogbaru, Navy Captain Kabiru Mohammed to desist from involving his personnel in debt recovery and civil matters before he finds himself in hot seat

While each of the few consumers living in a three bedroom flat that got metered through prepaid meter method during the days of Power Holding Company of Nigeria (PHCN), consumes N5, 000 in two months or more; on average of 50 units per N30.93k or N1.550; his or her unmetered counterpart is forced through outrageous “estimated billing” to pay between N10, 000 and N15, 000 monthly especially in Ogbaru, Ogidi and Onitsha Business Districts. Part payment ranging from N5, 000 to N7500 is regarded as “under payment” and attracts mass disconnection of the entire residence where he or she resides.

Signed:

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