



**IMO STATE OF NIGERIA
LAW NO. 2 OF 2024**

IMO STATE ELECTRICITY REFORMS LAW, 2024

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IMO STATE OF NIGERIA
LAW NO. 2 OF 2024

A LAW TO PROVIDE FOR AND IMPROVE ELECTRICITY AND ITS GENERATION, TRANSMISSION AND DISTRIBUTION WITHIN AND FOR THE RESIDENTS OF IMO STATE; TO ESTABLISH AN ELECTRICITY MARKET FOR IMO STATE; TO ESTABLISH A REGULATORY FRAMEWORK FOR IMO STATE ELECTRICITY MARKET FOR RELIABLE AND SUSTAINABLE ELECTRICITY SUPPLY WITHIN IMO STATE, AND FOR OTHER RELATED MATTERS.

Long Title

Be it Enacted by the Imo State House of Assembly of Nigeria as follows –

Enactment

This Law shall be cited as the Imo State Electricity Reforms Law, 2024 and shall come into effect on theday of2024.

*Citation/
Commencement*

In this Law, unless the context otherwise requires –

Interpretation

“Act” means the Electricity Act 2023;

“Agency” means the Imo State Electrification and Infrastructure Development Agency established under this Law;

“Captive Generation” means generation of electricity for the purpose of consumption by the generator and which is consumed by the generator itself within an identified area and not sold to a third party;

“Commission” means the Imo State Electricity Regulatory Commission established under this Law;

“Commissioner” means a commissioner appointed for the Commission;

“Demand Side Management” means the strategy of reducing electricity consumption or moving electricity usage from peak to off-peak periods in order to reduce overall energy costs;

“distillates” means purified liquids used as fuel for heating and for electricity generation including but not limited to gasoline, diesel, gas oil, fuel oils and kerosene;

“Distribution” means the system of facilities consisting wholly or mainly of electric lines, less than 132 kilovolts, used for the distribution of electricity from a generation facility or from a transmission grid supply point, through appropriate distribution facilities to the end user; and includes any electrical plant and meters operated in connection with such distribution, but shall not include any part of a transmission system; and “Electricity distribution”, “distribution system”, “distribution licence”, “distribution licensee” and such other synonyms thereof shall be construed accordingly;

“Electricity” means a source of energy created from a primary source of energy including water and sunlight natural gas, coal or bio-fuels or distillate fuels or natural gas, and conveyed to its end user over a network of conductors;

“Electricity Market” or “Market” means the Imo State Electricity Market;

“Electricity supply services” means the individual functions involved in conveying electricity generated at a specific point to another specific point where it is needed or consumed;

“Electrification Fund” means the Imo State Electrification Fund established pursuant to Part VIII of this Law;

“EPSRA” means the Electric Power Sector Reform Act 2005 or any re-enactment thereof;

“Federal Government” means the Federal Government of Nigeria;

“Gas” includes piped natural gas, liquefied natural gas, liquefied petroleum gas and compressed natural gas for use as fuel for heating and electricity generation;

“Generation” means the production, by an entity licensed by the Commission or by some other appropriate authority in Nigeria other than the Commission, at a generating station, of electricity and other generation products and ancillary services that may be contracted to be produced therefrom; and “electricity generation”, “generation plant”, “generation licence”, “generation licensee” and such other synonyms thereof shall be construed accordingly;

“Governor” means the Governor of Imo State of Nigeria;

“Governing Board” means the Governing Board of the Agency;

“Honourable Commissioner” means the Commissioner for Power and Rural Electrification or a member of the State Executive Council for the time being charged with the responsibility for overseeing the functions ascribed to the Ministry.

“House of Assembly” means the Imo State House of Assembly;

“IMDCH” means Imo State Multi-Door Courthouse;

“Imo State Electricity Market” means the policy, legal, regulatory, and commercial framework established under this Law that enables entities, duly licensed by the Commission, or by some other appropriate authority in Nigeria to contract for electric capacity and energy to be generated, transmitted and distributed for or to consumers resident in the State; and “Market” shall be construed accordingly;

“Integrated Utility” means the construction, ownership, and management, by a single commercial entity, of generation and distribution facilities within the State, as a single inter-connected engineering facility that has been issued a single licence; and “integrated electricity system”, “integrated licence” and such other synonyms thereof shall be construed accordingly;

“Licence” means the permission granted to a person under this Law or under some other Federal or State legislation to carry out certain specific activity in the Market and licensee shall be construed accordingly;

“Licensee” means the any person under this Law or under some other Federal or State legislation, who has been granted a License to carry out certain specific activity in the Market;

“Market Participant” means a person who is a party to a contract for electric capacity and energy to be generated, transmitted or distributed for or to consumers resident in the State, and includes a system operator whenever one is licensed by the Commission;

“Ministry” means the Commissioner for Energy and Mineral Resources or a member of the State Executive Council for the time being charged with the responsibility for overseeing the functions ascribed to the Ministry;

“National grid system” means the interconnected network of generation companies and an electricity transmission system, licensed and regulated by the Nigerian Electricity Regulatory Commission to undertake the production of electricity and its conveyance to similarly licensed distribution entities across the country;

“NEMSA” means the Nigerian Electricity Management Services Agency established under the Nigerian Electricity Management Services Agency Act, 2015 or any re-enactment thereof;

“NERC” means the Nigerian Electricity Regulatory Commission established under the EPSRA or any re-enactment thereof;

“Nigeria” means the Federal Republic of Nigeria;

“Nominal Capacity” means the total rated capacity that a licensee’s facilities can deliver underrated operating conditions;

“Off-Grid Electrification Strategy and Plan” means the strategy and action plan made, reviewed, amended or modified pursuant to Part XVII of this Law;

“Off-grid solutions” means electricity supply (including through renewable energy sources) that is not connected to an electricity system controlled by a system operator;

“Offtaker” means any person resident in the State, licensed or not, who contracts with a generation or distribution licensee to purchase any quantity of electricity;

“Physical and in-kind assets” shall mean any item of value, whether tangible or not and includes man-hours of work, intellectual property, real estate, building and construction materials and equipment, electrical equipment and facilities and the like that may be deployed to the implementation of the State Electrification Plan;

“Policy” means the Imo State Electricity Policy;

“Pre-existing Licensee” means an entity previously licensed by the Federal Government, NERC or NEMSA to locate in the State or to operate in the generation, transmission or distribution sectors in the State;

“Reliable electricity supply” means electricity that is available to any consumer, in the State in the desired quality and quantity, at the time it is needed;

“Stakeholders” means the universe of persons and interest groups that the Commission shall consult in the course of developing the Reliability Plan, and includes consumer groups and association based in the State, fuel providers, generation operators (thermal-and renewable energy-focused), transmission operators, distribution sector operators, registered users (large, medium and small in the industrial, commercial and residential classes),capital providers, the State Government and the Federal Government;

“State” means Imo State of Nigeria;

“State licensee” or “licensee” means a person duly licensed under this Law to participate in the Market by locating within the State and engaging in the generation, distribution or transmission of electricity within the State, for delivery to residents of Imo State;

“Sustainability Plan” means the Imo State Electricity Sustainability Plan;

“System operation” means whenever a system operator is duly licensed under this Law, the management of the frequency and voltage, and the scheduling and dispatch of electricity across one or more transmission systems in the State; the corresponding settlement of payments for the electricity so scheduled and dispatched, and the administration of the Market, in such a manner as to secure the coordinated, economic, safe, and reliable supply of electricity to all customers in the State;

“Tariff” means the applicable prices, rates or charges for the provision of a particular service, or group of services, including any applicable terms and conditions;

“Transition Period” means the period of time during which regulatory oversight of the Market is transferred from NERC to the Commission;

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A13 I.S.N.
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Imo State
Electricity Reforms Law

A14 I.S.N.
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Imo State
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A15 I.S.N.
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Imo State
Electricity Reforms Law

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Imo State
Electricity Reforms Law

“Transmission system” means a system consisting wholly or mainly of high voltage electric lines, at or greater than 132 kilovolts, for the conveyance of electricity from a generation licensee in or outside the State to a distribution licensee or other offtaker in the State; and shall include all facilities and equipment and other works and the buildings and structures required to accommodate this activity; and “transmission”, “transmission licence” and “transmission licensee” and such other synonyms thereof shall be construed accordingly;

“Undertaking” means any movable facility or equipment utilized for the generation, transmission or distribution of electricity, or for system operation, with all the assets and liabilities pertaining thereto;

“Utilities industry” means the economic sector comprising companies that provide basic physical amenities to homes, businesses and industry and includes those in the electricity, information communication technology and natural gas industries.

3. The objectives of this Law are to –

*Objectives of
the Law*

- (a) develop and promote policy and regulatory measures to ensure clean, reliable, affordable and efficient power generation, distribution and transmission in the State;
- (b) stimulate policy and regulatory measures to generally scale up efficient power generation, transmission and distribution capabilities of the power sector in the State with a view to achieving the State’s electricity access targets;
- (c) provide a framework for improvement of access to electricity in rural, unserved, undeserved, peri-urban and urban areas through the use of conventional sources and renewable energy off-grid and mini-grid solutions;
- (d) provide for the development and management of sustainable electricity supply in the State;
- (e) facilitate the development and management of electricity infrastructure and facilities within the State;
- (f) provide an ideal legal and institutional framework to leverage on the existing gains of the electric power sector

and improve utilization of generated power through increased investments in new and efficient power generation technology and revamping existing power installations;

- (g) provide clear guide and legal basis for a phasal development of the State's electricity market or sector;
- (h) provide a clear legal and institutional framework for the formulation and adoption of the Imo State Electricity Sustainability Plan;
- (i) stimulate and formulate policies to address technological limitations and outdated infrastructure which have contributed to losses and inefficiencies in the electricity value chain, by attracting sustainable investments in new and efficient power generation technology;
- (j) provide a framework to stimulate the development and utilization of renewable energy sources and create an enabling environment to attract investment in renewable energy sources in order to increase the contribution of renewable energy to the energy mix in the State;
- (k) promote indigenous capacity in technology for renewable energy sources through a framework for local content in the State's electricity market or industry;
- (l) promote and support the provision of an efficient and effective power generation, distribution and transmission infrastructure in the State;
- (m) ensure the availability of a cost-effective power supply in the State;
- (n) promote the development of a competitive electricity market in the State;
- (o) eliminate through policy and regulatory measures, barriers and impediments to investments in power generation, transmission, distribution and supply of electricity in the State;
- (p) provide an enabling environment for private sector investments in the electricity market in the State;
- (q) collaborate with the private sector to promote and support investments in power generation, distribution and transmission infrastructure in the State;

- (r) ensure the protection of electric power generation, evacuation infrastructure and prescribe appropriate sanctions and punitive measures against electricity theft and other similar offences; and
- (s) promote public education on renewable energy production and consumption to increase the generation and consumption of electricity from renewable sources.

PART II – ESTABLISHMENT OF THE IMO STATE REGULATORY COMMISSION

4. The role of the Imo State Government in the Electricity Market shall be as follows:
- (a) facilitate, support and promote the development of a sustainable, reliable, affordable and efficient electricity market in the State;
 - (b) provide a platform that enables the continuing growth, efficiency and viability of the electricity market;
 - (c) work with the Commission to stimulate policy and regulatory measures to for the sustainability and efficiency of the Electricity Market;
 - (d) create a platform for phasal development of the Electricity Market or sector;
 - (e) create incentives for the development and management of sustainable electricity supply in the State;
 - (f) synergize with the Federal Government, relevant agencies and private sector players to facilitate the establishment and operation of the Electricity Market;
 - (g) promote frameworks for the establishment of a business-friendly environment for investments in the electricity market in the State;
 - (h) ensure the protection and security of infrastructure in the Electricity Market; and
 - (i) protect the independence of the Commission and the efficacy of the Agency.

*Role of the Imo
State overnment*

5. The role of the Ministry in the Electricity Market shall be as follows – *Role of the Ministry*
- (a) generally, superintend the policy-making, strategic planning, administration and monitoring of the electricity sector in the State;
 - (a) promote and stimulate the development and utilization of renewable energy sources and create an enabling environment to attract investment in renewable energy sources in order to increase the contribution of renewable energy to the energy mix in the State;
 - (b) superintend, monitor and evaluate the activities of the Agency;
 - (c) represent the State in matters pertaining to electricity in the State;
 - (d) promote, facilitate and support research and development in the electricity sector;
 - (e) closely monitor developments in the electricity sector and report same to the State Executive Council;
 - (f) constantly evaluate progress and shortcomings in the electricity and design policies to address same;
 - (g) collaborate with relevant stakeholders, Ministries, Departments and Agencies of the Federal Government and the State to facilitate the establishment and effective operation of the Electricity Market; and
 - (h) perform such other functions as may be assigned to it by the Governor.

PART III – IMO STATE ELECTRICITY REGULATORY COMMISSION

- 6.(1) There is hereby established for the State, a Commission to be known as the Imo State Electricity Regulatory Commission (hereinafter referred to as “the Commission”). *Establishment of the Imo State Electricity Regulatory Commission*

- (2) The Commission for the purpose of carrying out its functions under this Law shall –
 - (a) be a body corporate with perpetual succession and a common seal;
 - (b) have power to sue or be sued in its corporate name;
 - (c) have power to enter into contracts with other persons;
 - (d) be capable of purchasing, acquiring, holding or disposing of movable and immovable property; and
 - (e) performing such other lawful functions in furtherance of this Law.
- (3) Except in so far as it relates to the Agency and the Electrification Fund, the Commission shall be responsible for the implementation of the provisions of this Law.

7.(1) The Commission shall consist of Seven (7) Commissioners including the Chairman, all of whom shall be appointed by the Governor and confirmed by the House of Assembly.

*Composition
of the
Commission*

- (2) The Seven Commissioners shall comprise –
 - (a) the Chairman; and
 - (b) six other Commissioners.
- (3) The Chairman shall be the Chief Executive Officer and shall lead the executive management of the Commission. He shall be responsible for ensuring execution of the decisions of the Commission and its approved policies, projects and programmes and for the day-to-day administration of the activities of the Commission.
- (4) The Chairman and other Commissioners shall serve in an executive management capacity and be solely responsible for running the daily operations of the Commission, including but not limited to considering and approving the policies, projects, programmes and decisions of the Commission.

(5) The Commission shall be efficiently structured into such number of departments and their sub-units, as the Commission deems fit.

8. A person shall not be appointed as a Commissioner or Commission Secretary who –

*Conditions for
appointment of
Commissioners*

- (a) is neither a citizen of Nigeria nor permanently resident in Nigeria; or
- (b) has a financial interest in any business connected, either directly or indirectly, with generation, transmission, system operation, distribution or trading of electricity in Nigeria, or is engaged in any activity (whether for remuneration or otherwise) connected with any such service or system, or is a relative of a person who has such an interest or is engaged in such an activity, unless the Governor is satisfied that the interest or activity is in effect passive and will not interfere with the person's impartial discharge of his duties as a Director, or unless the financial interest is terminated prior to the appointment taking effect; or
- (c) has, in terms of a law in force in any country-
 - (i) been adjudged or otherwise declared insolvent or bankrupt and has not been rehabilitated or discharged; or
 - (ii) made an assignment to, or arrangement or composition with, his creditors which has not been rescinded or set aside; or
- (d) has, in terms of a law in force in any country-
 - (i) been adjudged, by a court of competent jurisdiction, to be of unsound mind;
 - (ii) been banned from practicing his or her profession;
 - (iii) been removed from an office on grounds of misconduct; or

- (iv) been convicted of an offence and sentenced to a term of imprisonment imposed with or without the option of a fine, whether or not any portion has been suspended, and has not received a free pardon.

9. In selecting potential nominees and appointing Commissioners, the Governor shall ensure that each appointee –

*Appointment of
Commissioners*

- (a) is a person with proven integrity and character;
- (b) has the relevant educational and professional qualifications;
- (c) has relevant public or private sector experience in any of power generation, power distribution, power transmission, power utilities, system operation, economics, finance, accountancy, electrical engineering, law, business administration, regulation or consumer affairs, etc. for a period not less than Ten (10) years.

10. Collectively, the Commissioners shall be responsible for –

*Responsibility
of the
Commissioners*

- (a) exercising the powers and functions of the Commission;
- (b) setting the strategic and policy objectives of the Commission;
- (c) administering the Commission and setting policies for the development of the Imo State Electricity Market;
- (d) determining the terms and conditions for service of staff of the Commission;
- (e) creating such number of departments as it deems necessary for the work efficiency of the Commission;
- (f) perform all such functions as are ancillary to the efficient and effective dispensation of the commission's functions under this Law; and
- (g) work with key stakeholders to ensure the development and sustainability of the Imo State Electricity Market.

11.(1) The Governor shall appoint a Commission Secretary for the Commission. The Commission Secretary shall be a lawyer with cognate experience of not less than Ten (10) years.

*Appointment of
Commission
Secretary*

- (2) The Commission Secretary shall be responsible to the Commission and shall in particular be responsible for the following matters –
- (a) arranging meetings of the Commission;
 - (b) preparing agenda and minutes of meetings;
 - (c) conveying decisions of the meetings to the Commissioners; and
 - (d) generally performing all other duties affecting the Commission as may be assigned by the Chairman including attending the meetings of the Commission.

- 12.(1) There is vacancy on the Commission if a Commissioner –
- (a) dies;
 - (b) completes his tenure of office; or
 - (c) ceases to hold office in accordance with Section14.

*Vacation of
Office by
Commissioners*

- (2) Where a vacancy on the Commission is created as a result of subsection 1 of this Section, the Governor shall within One (1) month appoint a replacement of the immediate past Commissioner to complete the unexpired period of his predecessor's term of office.

- 13.(1) The Commissioners and the Commission Secretary shall hold office for a period of Five (5) years and may be eligible for re-appointment for one further term of Five (5) years and no more.

*General Rules
Applicable to
the
Appointment of
Commissioners*

- (2) All appointments or reappointments of the Commissioners and the Commission Secretary shall be made before expiry of their term of office in accordance with Sections9and 11 of this Law.
- (3) The Governor may remove any Commissioner if satisfied that it is in the public interest to do so.
- (4) A person who holds the office of a Commissioner or Commission Secretary, and for a period of Two (2) years

after he ceases to hold the position for any reason whatsoever, shall not acquire, hold or maintain, directly or indirectly, any interest, office, employment or consultancy arrangements, either for remuneration or otherwise, connected with the generation, transmission, system operation, distribution or trading of electricity in the State or any activity connected with any such service or system and if such person acquires any such interest involuntarily or by way of succession or testamentary disposition, he shall divest himself from such interest within a period of Three (3) months of such interest being acquired.

14.

A Commissioner shall cease to hold office if –

- (a) he resigns his appointment as a Commissioner by a two-month written notice addressed to the Governor, through the Honourable Commissioner;
- (b) he becomes of unsound mind or is incapable of discharging his or her duties;
- (c) he becomes bankrupt or has made arrangement with his or her creditors;
- (d) he is convicted of a felony or any offence involving fraud or dishonesty;
- (e) he is guilty of serious misconduct relating to his or her duties;
- (f) has been found to have breached the Commission's Code of Ethics established under Part III of this Law;
- (g) he has failed to comply with any term or condition of office;
- (h) in the case of a person who possesses professional qualifications, he or she is disqualified or suspended from practicing his or her profession in any part of Nigeria by an order of any competent authority made in respect of him or her personally;
- (i) he is removed from office by the Governor for inability to discharge the functions of the office, whether arising from infirmity of mind or body or for any act of misconduct; or
- (j) he has been absent from four (4) consecutive meetings of the Commission without the written consent of the Chairman and where the absentee Commissioner is the Chairman, without the written consent of the Honourable

*Cessation of
Office*

Commissioner, unless where an absentee Commissioner is able to show good reason for his or her absence.

*Appointment of
Legal Adviser*

- 15.(1) There shall be a Legal Adviser for the Commission, which shall be a reputable law firm with experience in power transactions and matters, to be appointed by the Commission.
- (2) The Legal Adviser shall be responsible for the following matters -
- (a) provide legal advice with respect to the duties of the Commission and the functions of the Commission;
 - (b) the day-to-day legal issues affecting the Commission; and
 - (c) generally performing all other legal advisory and compliance duties affecting the Commission as may be assigned by the Chairman.

*Meetings of the
Commission*

- 16.(1) The Commission shall meet for the dispatch of business as often as is necessary or expedient, provided this shall be at least Four (4) times in a year and, subject to this section, the Commission may adjourn, close, and otherwise regulate its meetings and procedure as it deems fit.
- (2) The Chairman shall preside at all meetings of the Commission and can also summon an emergency meeting of the Commission. In the absence of the Chairman, the Commission shall appoint one of the other Commissioners to preside over the meeting.
- (3) All decisions of the Commission shall be decided by majority of votes of the Commissioners present and voting at such meeting and each Commissioner shall have one vote. Where there is an equality of votes, the Chairman or any Commissioner presiding shall have a casting vote.

- (4) The quorum for the meeting shall be Five (5), including the Chairman, unless the Commission determines otherwise.
- (5) For a meeting of the Commission to review any previous decision or order taken or made by the Commission, the quorum shall be no less than the Commissioners present when the decision was taken or when the order was made.
- (6) The Commissioners may make standing orders regulating proceedings at any meeting of the Commission.
- (7) Without derogation from subsection (1) of this section, the Commission may conduct its business by means of written resolutions signed by all the Commissioners and the Commission Secretary; provided that, if any Commissioner requires that a matter be placed before the Commission for deliberation, this subsection shall not apply to such matter.

17. Where the Commission desires to obtain the advice of any person on a matter, the Commission may co-opt the person as a member for such period as it thinks fit provided that a person co-opted shall not be entitled to vote at any meeting of the Commission and shall not count towards a quorum.

*Power to
Co-opt*

18.(1) The Commission may appoint such other persons as its staff or its officers by way of direct employment with the approval of the Governor, or by transfer of service or secondment with the collaboration of the Civil Service Commission or the Head of the Civil Service of the State, as the case may be.

*Officers of the
Commission*

19.(1) If a Commissioner –
(a) acquires or holds a direct or indirect pecuniary interest in any matter that is under consideration by the Commission;
(b) owns any property or has a right in property or a direct or indirect pecuniary interest in a company or association of persons which results in his private interests coming or appearing to come into conflict with his functions as a Commissioner;

*Disclosure of
Connections
and Interests*

- (c) knows or has reason to believe that a relative of the Commissioner-
 - (i) has acquired or holds a direct or indirect pecuniary interest in any matter that is under consideration by the Commission; or
 - (ii) owns any property or has a right in property or a direct or indirect pecuniary interest in a company or association of persons which results in the Commissioner's private interests coming or appearing to come into conflict with his functions as a Commissioner; and
- (d) if for any reason the private interests of a Commissioner come into conflict with his functions as a Commissioner, the Commissioner shall forthwith disclose the fact to the Commission.

(2) A Commissioner referred to in subsection (1) of this section shall take no part in the consideration or discussion of, or vote on, any question before the Commission which relates to any contract, right, immovable property or interest referred to in that subsection.

(3) A Commissioner shall, prior to accepting his or her appointment to the Commission, make a declaration of assets in accordance with Paragraph 11 of the Fifth Schedule to the Constitution of the Federal Republic of Nigeria, 1999 and shall terminate all other engagements for gain, including appointment to any office in the Public Service.

(4) A Commissioner who contravenes subsection (1), (2) or (3) of this section commits an offence and is liable on conviction to a fine not exceeding Five Hundred Thousand Naira (N500,000.00) or imprisonment for a period not exceeding Three (3) months or to both such fine and imprisonment.

20.(1) No decision or act of the Commission or act done under the direction of the Commission shall be invalid on the ground that there existed –

*Validity Of
Decisions And
Acts Of The
Commission*

- (a) a vacancy or vacancies in position of Commissioner or an office in the Commission; or
- (b) some defect in the constitution of the Commission at the time the decision was taken or act was done or authorised.

(2) If a Commissioner referred to in Section 19 takes part in the consideration of a matter in which his private interests are in conflict with his functions as Commissioner, the other Commissioners may subsequently ratify any such decision or action.

21.(1) Upon assumption of office and before proceeding with any business whatsoever, the Commission shall prepare and submit to the Governor for approval a Code of Ethics binding on each Commissioner, the Commission Secretary and the staff of the Commission.

Code of Ethics

(2) The Governor shall approve a Code of Ethics for the Commission, whereupon each Commissioner, the Commission Secretary and their staff shall individually sign a written copy of the Code and retain it, with another signed copy of the said Code retained by the Commission in the relevant individual's personnel file; and until such approval is given by the Governor, the Commission shall not proceed with any business whatsoever.

(3) An infraction of any provision in the Commission's Code of Ethics established against a Commissioner or the Commission Secretary by the Governor, or by the Commission in the case of any member of staff, shall result in the relevant person immediately vacating office either by dismissal or compulsory retirement or the relevant person being required to resign.

22.(1) The Commission shall develop and submit for the approval of the Governor appropriate conditions of service concerning remuneration, allowances, fringe benefits, pension and gratuity scheme, and other benefits for the Commissioners,

Conditions of Service

the Commission Secretary staff of the Commission, which conditions of service shall be competitive in relation to electricity sector operators in the State and would enable it to attract and retain experienced personnel.

- (2) There is established, for the benefit of the Commissioners, the Commission Secretary and staff of the Commission, a contributory pension scheme under the applicable law in the State, and a gratuity or severance payment scheme constituted under a trust deed.
- (3) Except for short-term contract appointments, which shall not in any event exceed a non-renewable term of Two (2) years, no appointment to the staff of the Commission or to carry out staff duties shall be made on terms that preclude the grant of pension and gratuity rights.

23. The objectives of the Commission are to:

- (a) ensure the establishment of a reliable, sustainable, affordable and economically efficient Electricity Market for the State that:
 - i. serves the residents of the State in a manner that enhances standards of living in the State and reduces dependency on back-up power systems and the overall environmental, economic and social costs of such dependency; and
 - ii. is responsive to community needs and addresses the challenges of developing an electricity system for the State suitable for its socio-economic development; and
- (b) make and enforce policies that facilitate the development and management of electricity infrastructure and facilities within the State;
- (c) make and enforce policies that promote and support the provision of an adequate, efficient and reliable power system in the State;
- (d) make and enforce policies that ensure the availability of a cost-effective power supply in the State; and

*Objectives of
the
Commission*

- (e) ensure that all Licensees are accountable to the people and Government of the State for the delivery of the expectations of their respective licences.

24. The functions of the Commission are to –
- (a) ensure efficient, affordable and reliable electricity generation, distribution and supply to promote economic growth in the State;
 - (b) provide a stable legal, commercial and technical regulatory framework for the provision of electricity to residents of the State by Licensees in the Market for the benefit of residents of the State;
 - (c) regulate generation, transmission, distribution, system operation, utilities, trading, supply and use of electricity within the State;
 - (d) create, promote and preserve efficient electricity industry and market structures and to ensure optimal utilization of resources for the provision of electricity services;
 - (e) license entities to do business in the Market by locating within the State and engaging in the generation or transmission or distribution of electricity within the State, for delivery to residents of the State;
 - (f) establish a credible, transparent, and simple framework for licensing operators in the Market;
 - (g) establish and enforce engineering rules, codes and practices for the safe and reliable operation of the Market by Licensees and for upholding the rights of electricity customers in the State;
 - (h) establish a consistent and sustainable tariff and pricing framework for the Market using such tariff methodologies as it considers appropriate;
 - (i) ensure that regulation is fair and balanced for Licensees, consumers, investors and other stakeholders;
 - (j) promote competitive, fair and efficient market practice within the electric power sector in the State;
 - (k) ensure adequate supply of clean, affordable, reliable and efficient electricity to consumers;

*Functions
of the
Commission*

- (l) ensure the safety, security, reliability and quality of service in the production and delivery of electricity to consumers;
- (m) maximize access to electricity services by promoting and facilitating consumer connections to distribution systems in both rural and urban areas;

- (n) create an enabling environment for private investment in the power sector;
- (o) promote Public Private Partnerships in the power sector;
- (p) promote and create an enabling environment and framework to support rural electricity projects within the State;
- (q) collaborate and consult to the maximum extent practicable with any Federal Agency, other States, Local Government Areas, statutory bodies and research agencies on matters relating to the power sector;
- (r) promote the development and utilization of renewable energy services and increase the contribution of renewable energy to energy mix in the State and Nigeria, in general;
- (s) promote training and manpower development in electricity matters;
- (t) liaise with relevant government agencies to facilitate the acquisition of land, right of way and other land related matters associated with or in connection to the matters covered under this Law;
- (u) consult when the need arises with such persons or organisations as may be qualified to advise on professional or technical issues;
- (v) undertake monitoring and surveillance of Licensee and consumer behavior in the Market;
- (w) advise the Ministry on matters covered by this Law and make recommendations on revision of policies, frameworks, plans, legislations, rules and regulations pursuant to this Law or as may be necessary, from time to time; and

(x) undertake such other functions and activities as are necessary for better carrying out or giving effect to the objectives of the Commission.

25. Without prejudice to any other powers assigned to the Commission under this Law, the Commission shall in furtherance of its functions under Section 24, exercise the following powers-

*Powers of the
Commission*

- (a) grant, renew, review, modify, suspend, cancel, terminate or revoke licenses, permits, authorisations and approvals to operators in the Electricity Market;
- (b) regulate persons, entities and undertakings engaged in the generation, transmission, distribution, supply and trading of electricity;
- (c) establish or, as the case may be, approve appropriate operating codes and safety, security, reliability and quality standards for the electricity sector in the State;
- (d) establish rules, when appropriate for the efficient commercial trading of electricity by Licensees;
- (e) Set, review and adjust tariff methodologies;
- (f) prescribe the form and manner in which applications for any licence, permit or authorization under this Law or regulations shall be made and set the fees payable in respect of such application;
- (g) develop and enforce standards and guidelines for the design, procurement, construction, operation, maintenance and utilization of generating stations, power plants, transmission system, distribution system and electricity installations in the State;
- (h) establish appropriate consumer rights and obligations regarding the provision and use of electricity services in the State;
- (i) carry out activities which are necessary, advantageous or incidental to the purpose of carrying out its functions and the attainment of its objectives under this Law;
- (j) investigate and determine complaints from electricity consumers;

- (k) investigate and determine complaints or disputes between parties over any matter relating to licences, permits, authorizations and applicable conditions under this Law;
- (l) resolve disputes in relation to whether any person is engaging in, or is about to engage in businesses or undertakings for which a licence, permit or authorization is required pursuant to the provisions of this Law;
- (m) formulate, enforce and review environmental, health, safety, quality and electricity consumer protection standards and measures for the Imo State Electricity Market in collaboration with relevant ministries, departments and agencies as may be necessary;
- (n) monitor the financial viability of licensees and other market participants in relation to their activities in the Imo Electricity Market;
- (o) develop, maintain and keep a public database on licences, permits and electricity operations within the State;
- (p) request information and documents relating to activities in the Imo State Electricity Market from licensees and other market participants;
- (q) make, enforce and issue orders or directions to ensure compliance with this Law and with the conditions of licences, permits and authorizations issued under this Law;
- (r) appoint, promote and discipline the staff and employees of the Commission;
- (s) make recommendations to the Governor and the Civil Service, as the case may be, on the terms and conditions of employment and remuneration for staff and employees of the Commission;
- (t) set the administrative guidelines for the conditions and welfare of staff and employees of the Commission; and
- (u) establish departments as are necessary for the effective and efficient discharge of the Commission's functions under this Law.

26. In the discharge of its functions under this Law, the Commission shall deliver statutory reports to, and may receive directives or approvals from, the Governor as provided in this

*Oversight of the
Commission*

Law and shall be subject to judicial orders made by a court of competent jurisdiction.

27.(1)The Commission may appoint persons employed by it to be inspectors for the purposes of this Law and shall furnish each person so appointed with a certificate stating that the person has been appointed as an inspector.

Inspectors

(2) The inspectors shall, in addition to any other functions that may be assigned to them by the Commission, be responsible for inspecting undertakings to ensure the safety of operations in the electricity sector and to investigate safety mishaps and accidents.

28.(1)The Chairman shall ensure that all decisions and orders of the Commission –

*Decisions and
Orders of the
Commission*

- (a) contain the basis for the decision or order;
- (b) are properly recorded in writing; and
- (c) are accessible to the public at reasonable times and places.

(2) The Commission shall issue written reasons in respect of any decisions or orders affecting the existing rights of any person, if the affected person requests such written reasons.

(3) The Commission may issue written reasons in respect of any other decision or order as the Commission deems necessary.

(4) The Commission may make interim orders pending the final disposition of a matter before it.

29.(1)The Commission may hold a hearing of any matter, which under this Law or any other enactment is required or permitted to conduct or on which it is required or permitted to take any action and the Commission shall hold public hearing on matters which the Commission determine to be of significant interest to the general public.

*Notice to
Interested
Persons*

(2) Where the Commission is required to, or otherwise decides to, hold a hearing, all persons having an interest in such matter shall, as far as reasonably practicable, be notified of the questions at issue and given opportunities of making representations if they so wish.

30. When any matter arises which entails the consideration of any professional or technical question, the Commission may consult such persons as may be qualified to advise thereon.

*Consultation of
Experts*

31.(1) If any question of law arises from an order or decision of the Commission, the Commission may, on its own initiative or at the request of any person directly affected by such order, reserve that question for the decision of the High Court of the State.

*Referral to
High Court*

(2) Where a question has been reserved under subsection (1) of this section, the Commission shall state the question in the form of a special case and file it with the Registrar of the High Court of the State.

32.(1) Subject to this section, any person who is aggrieved by any of the following decisions, orders or refusal of the Commission, may apply to the Commission for review of the decision, order or refusal –

*Rehearing
and Appeals*

- (a) a decision of the Commission not to issue a licence;
- (b) any term or condition of a licence issued to such person, or a refusal by the Commission to specify a term or condition in a licence;
- (c) a refusal by the Commission to renew a licence;
- (d) any amendment of a licence or a refusal by the Commission to amend a licence;
- (e) the suspension or cancellation of a licence;
- (f) the grant or refusal by the Commission to grant any approval or authority to a Licensee;
- (g) the outcome of any arbitration or mediation by the Commission of a dispute between Licensees;
- (h) a decision of the Commission with respect to prices or tariffs; and

(i) any other decision of the Commission.

(2) The Commission may, reconsider, vary or rescind its decisions before issuing a final decision, in accordance with such procedures as the Commission may establish; provided that such review or reconsideration shall be completed within Thirty (30) days of the date it is requested.

33.(1) The funds of the Commission shall consist of –

*Funds of the
Commission*

- (a) a take-off grant from the State Government in such sum as the Governor shall determine after consultation with the Commission;
- (b) fees, levies, charges and other income accruing to the Commission from licensees and other activities undertaken by the Commission under this Law;
- (c) funds appropriated to the Commission by the House of Assembly, pursuant to a request by the Commission for additional funds required to meet its reasonable expenditures until such a time as the Commission determines that further to the need to be financially autonomous it no longer requires a budgetary provision to be made for it;
- (d) donations, grants-in-aid and such other monies as may vest in or accrue to the Commission, whether in the course of its operations or otherwise, provided accepting such funds will not put the Commission in conflict; and
- (e) all other monetary benefits or earnings that the Commission may receive from time to time.

34. The financial year of the Commission shall be the period of Twelve (12) months ending on 31st December in each year or such other period as the Board may determine.

*Financial year
of the
Commission*

35.(1) The Commission shall ensure that proper accounts and other records relating to such accounts are kept in respect of all the Commission's activities, funds and property.

*Accounts,
Audits and
Quarterly
Reports*

(2) The Commission shall prepare and submit to the Governor not later than the date stated in appropriate call memo but, in

any event, no later than 30th September of every year, an estimate of its expenditure and income for the next financial year.

- (3) The Commission shall not later than Three (3) months, after the end of the financial year, prepare and submit to the Auditor General of the State and the House of Assembly a statement of accounts in respect of that financial year.
- (4) The Commission shall present quarterly reports on all its activities to the Governor and House of Assembly.

36. The Commission shall appoint a reputable firm of auditors as Auditors in accordance with the guidelines for the appointment of auditors issued by the Auditor-General of the State.

*Appointment
of Auditors*

37.(1) The Auditors shall amongst other auditing functions, audit the accounts kept by the Commission under section 35 (1).

*Power of
Auditor*

- (2) The Auditor shall within Three (3) months after the end of each financial year, make a report to the Commission and the Governor on the statement of accounts prepared under section 35 (3) and such report shall state whether or not, in the opinion of the Auditor, the statement of accounts gives a true and fair view of the affairs of the Commission.
- (3) The Governor may require the Commission to obtain from its Auditor such other reports, statements or explanations in connection with the operations, funds and property of the Commission as the Governor may consider necessary and the Commission shall comply with any such requirement.
- (4) Notwithstanding the provision of subsection (4) of this section, the Governor shall authorise the Commission to publish its audited statement of accounts in Two (2) local newspapers within One (1) month of receipt of the Auditor's report under subsection (3) of this section, and the

Commission shall publish same in the manner authorised by the Governor.

(5) In performing its duties under this section, the Auditor shall be entitled at all reasonable times to require to be produced to it all accounts and other records relating to such accounts which are kept by the Commission or its agents and to require from the Board, the Commission, its officers, employees and agents such information, explanations and clarifications which are necessary, in the opinion of the Auditor, for the purposes of the audit.

38. Any Commissioner or officers, employees and agents of the Commission who fails without just cause to comply with a requirement of the Auditor in terms of section 37 (5) commits an offence and is liable on conviction to a fine not less than Five Hundred Thousand Naira (N500,000.00) or to imprisonment for a period not less than Six (6) months or to both such fine and imprisonment.

*Refusal to
Cooperate
with Auditor*

39.(1) Any agreement, contract or instrument approved by the Commission may be entered into or executed on behalf of the Commission by the Chairman of the Board and the Commission Secretary of the Board or such persons generally or specially authorised by the Board for that purpose.

*Execution of
Contracts and
Instruments*

(2) Any Public Private Partnership Agreement entered into by the Commission on behalf of the State Government shall be in accordance with the provisions of the Public Private Partnership Law No.11 of 2018.

40.(1) In addition to any report which the Commission is required by this Law to submit to the Governor, the Commission –
(a) shall submit to the Governor such other reports as the Governor may require; and
(b) may submit to the Governor such other reports as the Commission considers important;

Other Reports

- (2) The Governor shall publicly release any reports submitted pursuant to subsection (1) of this section, within Three (3) months following the receipt of such a report.

PART IV - THE IMO STATE ELECTRICITY MARKET

- 41.(1) Within One (1) year of the commencement of this Law, the Commission shall develop and publish the Sustainability Plan, after widespread consultations with industry experts and stakeholders, which Plan shall be the foundation for the establishment of the Imo State Electricity Market.

*The Imo State
Electricity
Sustainability
Plan*

- (2) The Sustainability Plan shall amongst other objectives, identify all the stakeholders that are relevant to the electricity sector in the State, the electricity resources available within the State in terms of renewable and non-renewable fuel sources, current generation assets, generation opportunities, current transmission and distribution assets located within the State, and the rights of way available to meet the identified current and future electricity demands of residents of the State.
- (3) The Sustainability Plan shall cover a period not less than Ten years (10) from its unveiling and shall, amongst other things, articulate:
- (a) definitive programmes and plans that would deliver clean, reliable, affordable, efficient and cost-effective power supply to residents of the State, including underserved and unserved areas;
 - (b) programmes designed for development of electric policies that are tailored to foster electricity development and promote modalities for rural electrification projects within the State;
 - (c) electricity generation sources within the State;

and for the delivery of any aspect of electricity distribution and customer care services by the said applicant to customers at voltage levels below 33 kilovolts to it by a Distribution Licensee in the State, in such a manner as may be specified in the terms and conditions of the applicant's licence;

- (d) the Commission shall, in a licence specifying terms and conditions of the grant, issued under the hand of its Chairman and the Commission Secretary or a Commissioner, authorise an applicant to construct, own, operate and maintain facilities and equipment for the distribution of electricity, the installation, maintenance and utilization of metering, billing and revenue collection systems, and for the delivery of any aspect of electricity distribution and customer care services by the said applicant to customers located entirely within the State or a specific part thereof, in such a manner as may be specified in the terms and conditions of the applicant's licence; but such a licence shall not be issued with transmission or system operation rights of any kind.;
 - (e) the Commission shall, issue a trading license to permit an applicant to engage in the purchasing, selling, and trading of electricity and the Commission shall have the authority to determine the terms and conditions of trading licences as may be appropriate in the circumstances, and having due regard to the nature of the activities in which the licensee intends to engage; and
 - (f) the Commission shall also issue a temporary bulk purchase and resale licence, giving the Licensee, the ability to purchase electrical power and ancillary services from independent power producers for the purpose of re-sales to one or more other Licensees or to an eligible customer.
- (2) All contracts for purchases of electrical power and ancillary services by the holder of such temporary licence shall be awarded according to an open, transparent, and competitive

manner, pursuant to a procedure established by the Commission, unless the circumstances require otherwise and the Commission allows or requires an alternative method.

- 47.(1) Where, in the Market there are any number and combination of Licensees including at least Two (2) Generation Licensees in the State and all the Licensees trade in the Market via commercial agreements that aggregate more than 500MW of capacity and 12,000MWh of energy per day, the Commission shall consult with stakeholders and Market Participants on the need for a system operator to be licensed for the State, and may issue a licence to qualified applicants.
- (2) There shall be no more than One (1) System Operator Licensee in the Market, whose shares shall be held by all other Market Participants in equal proportions on a mutual, not-for-profit basis, so as to ensure that no single shareholder dominates or influences the system operator's operational decisions.
- (3) The system operator shall, upon commencing commercial operations, and in addition to its regular system operations function, take over the Sustainability Plan and become its custodian with sole responsibility for ensuring that the Market evolves annually in accordance therewith under rules or guidelines made by the Commission.

*System
Operation
Licence*

- 48.(1) A Licensee shall comply with the provisions of its licence, regulations, codes and other requirements issued by the Commission from time to time.
- (2) Unless stayed by a court of competent jurisdiction, each Licensee shall duly implement or follow, as the case may be, the Commission's orders and written notices, notwithstanding that the Licensee has or may intend to take legal action challenging any such order or notice.

*General
Duties of
Licensees*

- 49.(1) The Commission shall develop for the State Electricity Market, in consultation with Licensees, stakeholders and

*Technical
Codes and
Standards*

other interested parties, technical standards, codes and manuals for –

- (a) the safe, reliable and efficient operation of all licensed facilities;
- (b) in collaboration with the System Operator if one is licensed, the scheduling and dispatch of generation capacity, the scheduling and coordination of generation outages, the procurement of ancillary services to enable stability of the State Electricity Market, administration and settlement of trading in the State Electricity Market and such other activities as are required for the stable, reliable and efficient operation of the said Market;
- (c) the promotion of energy efficiency and demand side management practices by customers;
- (d) sharing of common facilities such as rights of way, towers, switchyards, substations and the like; and

(e) such other standards, codes and manuals as the Commission may require.

- (2) Standards, codes and manuals approved by the Commission pursuant to subsection (1) of this section shall be binding on the relevant licensees and shall be published by each licensee to whom they apply on their internet portals and in such other manner as the Commission may direct.

50. Licences granted by the Commission under this Law shall be technology-and-fuel-neutral, and the Commission shall not grant a licence or authorise a licensee activity that enables a Licensee to exceed the emission and environmental protection limits set by the State or the Federal Government.

*Licences to be
Technology
and
Fuel-Neutral*

- 51.(1) Before commencing commercial operations, each Licensee shall set up a full-service internet portal that enables the Commission and any other interested person to obtain, and if desired, download information on –
- (a) the terms and conditions of its licence;

*Requirements
of Licensees*

- (b) its standard terms and conditions of contracting;
- (c) its customer care standards where applicable; and
- (d) real-time data on all performance, quality of service and key performance standards and metrics that the licensee is obliged to meet and report on to the Commission

(2) The Licensee's internet portal shall also enable all end-use or retail customers to make payment for, and obtain, any service provided by the Licensee in real time.

52.(1) An application for a licence shall be made to the Commission in the form and manner prescribed by the Commission and be accompanied by the prescribed fee and such information or documents as may be prescribed or as the Commission may require.

*Applications
for Licences*

(2) Within Thirty (30) days after applying for a licence under subsection (1) of this section, the applicant shall, at its own expense, cause a notice of the application to be published in a newspaper circulating in the area in which it intends to operate as a Licensee, and in a separate, national circulation newspaper, in accordance with such directions as may be given by the Commission, stating the period, prescribed by the Commission, within which objections or representation in connection with the application may be made to the Commission, and the Commission shall not issue any licence until all objections or representations received by the Commission have been considered and determined.

(3) The period between the Commission's receipt of an application under subsection (1) of this section and all documents and information submitted in support of it, and the date on which it notifies the applicant of the adequacy of the documents and information, shall not exceed One (1) month.

(4) The period between the Commission's receipt of an application that satisfies the requirements of subsection (1) of this section, and the date on which the Commission notifies

the applicant of its decision or proposed decision shall not exceed Three (3) months.

(5) Notwithstanding subsections (1) to (4) of this section, the Commission may establish simplified procedures for undertakings and businesses that are limited in size and scope so as to expedite the application and licensing process.

53.(1) Subject to this section, the Commission may, at any time, amend a licence or any term or condition of a licence:

- (a) if the Licensee requests the amendment; or
- (b) if the amendment is pursuant to a condition of the licence imposed by the Commission; or
- (c) upon receiving a complaint from any consumer, eligible customer, consumer association, association of eligible customers, or other Licensee; or
- (d) on its own initiative.

*Amendment of
Licences*

(2) Where a Licensee makes an application for the amendment of a licence, the Licensee shall, at its own expense, cause a notice of the application to be published in a newspaper circulating in the area in which it intends to operate as a Licensee, and in a separate, national circulation newspaper in accordance with such directions as maybe given by the Commission, stating the period, prescribed by the Commission, within which objections or representations in connection with the amendments may be made to the Commission, and the Commission shall not amend any licence until all objections or representations received by the Commission have been considered and determined.

(3) Before making amendments in a licence otherwise than on the application of the Licensee, the Commission shall publish the proposed amendments, stating the period within which objections or representations may be made to the Commission and the Commission shall not amend any such licence until all such objections or representations received by the Commission have been considered and determined

*Cancellation of
Licences*

- 54.(1) Upon –
- (a) receiving a complaint from any consumer, eligible customer, consumer association, association of eligible customers or other licensee; or
 - (b) on its own initiative the Commission may inquire into the conduct or functioning of any Licensee's obligations under this Law, rules or regulations, codes of conduct, or the terms and conditions of the licence.
- (2) Subject to this section, and after an inquiry, including an opportunity for the Licensee to show cause as to why the licence should not be cancelled, the Commission may cancel any licence if, in its opinion –
- (a) the licence was issued through fraud or the misrepresentation or non-disclosure of a material fact by the Licensee; or
 - (b) the Licensee has wilfully or unreasonably contravened any provision of this Act that is applicable to the licensee; or
 - (c) the licensee has failed to comply with any term or condition of the licence, the breach of which is expressly declared by such licence to render it liable to cancellation; or
 - (d) the financial position of the licensee is such that he is unable to fully and efficiently discharge the duties and obligations imposed by the licence.
- (3) Before cancelling a licence under subsection (2) of this section, the Commission shall notify the Licensee in writing of its intention to cancel the licence concerned and the reasons for doing so, and shall allow the Licensee an opportunity to demonstrate, within 60 days following the delivery of such a notification, that circumstances have changed such that cancellation may no longer be warranted.
- (4) If, at the expiry of the inquiry and any further opportunity to be heard, under subsections (2) and (3) of this section, the Commission is satisfied for any reason specified in

subsection (2) of this section that it is in the public interest that the licence concerned should be cancelled, the Commission may, by notice in writing to the Licensee, cancel the licence or take such other action as it considers appropriate.

- (5) Notwithstanding subsections (2) to (4) of this section, instead of cancelling a licence, the Commission may allow the licence to remain in force, subject to such further terms and conditions as it may deem necessary to impose, and such terms and conditions shall form part of the licence.
- (6) In the event that the Commission decides to cancel a licence, it shall serve on the Licensee a notice of cancellation fixing the date on which the cancellation shall take effect and the Commission may make orders in regard to the undertaking of the Licensee, including an order for the sale of the undertaking of the licensee, as are, in the opinion of the Commission, necessary for maintaining continuity in the provision of electricity service.

- 55.(1) Where the Commission is satisfied that a Licensee is contravening, has contravened, or is likely to contravene, any term or condition of its licence, it may make an order -
- (a) requiring the Licensee to do, or refrain from doing, such things as are specified in the order for the purpose of correcting or avoiding any contravention or threatened contravention of such term or condition of its licence; and
 - (b) stipulating the period within which any requirement referred to in subsection(1)(a) shall be commenced and completed.

*Enforcement
of Licences*

- (2) Notice of an order made under subsection (1) shall be published by the Commission in such a manner appropriate to give notice to such persons as may be affected or likely to be affected by the contravention or threatened contravention of the licence.

- (3) Before making an order in subsection (1), the Commission shall give notice to the Licensee concerned –
 - (a) specifying the grounds upon which the order is to be issued and what the Commission considers reasonably necessary for the purpose of correcting or avoiding any contravention or threatened contravention of such term or condition of its licence;
 - (b) stipulating such period that, in its opinion, is considered reasonable for the implementation of any requirement it proposes to order; and
 - (c) allowing the licensee to make representations to the Commission within such period from the date of service of the notice as the notice shall specify
- (4) Upon considering any representations made under subsection (3)(c) of this section, the Commission may make, or refrain from, or defer making, an order in terms of subsection (1), or make an order on different terms.
- (5) An order made under subsection (1) of this section may specify a fine not exceeding Five Hundred Thousand Naira (~~₦~~500,000.00) as penalty for each day that the Licensee is in default of compliance with the order.

PART V - CONTRACTS, TARIFFS AND CONSUMER PROTECTION

- 56.(1) Operation by Licensees in the Market shall be only on the basis of binding and enforceable contracts, and a company licensed under any category of electricity services in the State shall enter into such number of contracts as are required with any company licensed under another category, for the sale, purchase or transmission of some or all of the services provided by the company.
- (2) All contracts shall be in writing and shall be filed with the Commission before they become commercially effective and enforceable.

Contracts

- (3) The Commission shall not have the power to alter, amend or in any way constrain the performance of a contract duly negotiated and concluded by the parties in accordance with this Law.

- 57.(1) Tariffs or payments for all licensed activities shall be contracted under this Law in accordance with one or more tariff methodologies established by the Commission and such tariff methodologies shall –
- (a) allow a Licensee that operates efficiently to recover the full costs of its business activities, including a reasonable return on the capital invested in the business;
 - (b) provide incentives for the continued improvement of the technical and economic efficiency with which the services are provided;
 - (c) provide incentives for the continued improvement of quality of services;
 - (d) give to consumers economically efficient signals regarding the costs that their consumption imposes on the Licensee's business;
 - (e) avoid undue discrimination between consumers and consumer categories;
 - (f) be simple, understandable, feasible and free of controversial interpretation;
 - (g) provide stability and predictability of future tariffs and resulting revenues;
 - (h) sanction wasteful expenditure and incentivize both continued investment by the licensee and the promotion of technical and economic efficiency and quality by both licensees and customers in providing and receiving the licensed service;
 - (i) promote the innovative use of technology, and the cleanest available fuel sources; and
 - (j) clearly indicate to all counterparties and consumers the costs that their consumption imposes on the licensee's business and incentivise efficiency in causing these costs.

Tariffs

- (2) Notwithstanding subsection (1)(e) of this section, a tariff methodology may differentiate among consumers on the basis of differences in total electricity consumption, the time periods on which electricity is consumed, load factors, power factors, voltage levels, and other criteria that may affect the cost of providing a service.
- (3) Notwithstanding subsection (1) (e) of this section, the Commission shall have the authority to establish tariff methodologies that reflect the terms and conditions of a contract between the Licensees or between a Licensee and one or more eligible customers.
- (4) A tariff methodology may allow a lifeline tariff for certain deserving consumers identified by a clearly-defined means testing procedure provided by the Commission.
- (5) The Commission shall, prior to approving a tariff methodology, give notice, over broadcast and social media and in at least one newspaper circulating widely in the State, of the proposed establishment of a tariff methodology, indicating the period within which objections or representations in connection with the same may be made to the Commission.
- (6) In preparing or modifying a tariff methodology, the Commission shall –
 - (a) consider any representations made by licence applicants, other licensees, customers, associations of customers and such other persons as it considers necessary or desirable;
 - (b) obtain evidence, information or advice from any person who, in the opinion of the Commission, possesses expert knowledge which is relevant in the preparation of the methodology.
- (7) The Commission shall fix the date on which the tariff methodology shall come into operation, and cause notice to be given using the same means as specified in subsection (5) of this section.

- (8) If it appears to the Commission that a tariff methodology should be changed or modified in any way, the Commission shall give notice using the same means as in subsection (5) of this section of the proposal to change or modify the methodology, indicating the period within which representations in connection with the proposal may be made.
- (9) After considering any objections or representations received in response to a notice issued under subsection (8) of this section, the Commission may confirm the proposed changes to the tariff methodology and the provisions of subsection (7) of this section shall apply with necessary modifications.
- (10) Every person upon whom any function has been conferred or imposed in connection with setting tariffs shall be bound by a tariff methodology that has come into operation under subsection (7) or subsection (9) of this section.
- (11) Every Licensee shall maintain on its internet portal and at its office a current copy of the tariff methodology applicable to the Licensee, and enable an electronic copy thereof to be downloaded, or a hard copy taken, by any person free of any charge from the internet portal, or during the Licensee's normal office working hours.
- (12) A Licensee shall not transfer to its customers the liability of paying any fines or penalties levied against it under this Law or any other law or regulation.
- (13) Any person or Licensee who contravenes, or condones the contravention of subsection (12) shall be liable to a fine two times the charge to the Licensee's customers or to imprisonment of not more than One (1) year or to both such fine and imprisonment.
- (14) A tariff agreed to, in accordance with an approved tariff methodology, between the parties to an offtake agreement entered into under this Law shall be modified only in

accordance with the said agreement or the said tariff methodology.

- (15) Nothing in this section shall prevent a Licensee and a prospective customer from agreeing on a tariff on a willing buyer, willing seller basis.
- (16) The Commission shall publish adopted tariff methodologies on its website.
- (17) All Licensees shall publish all tariff and charges applicable to their respective services and any amendment or modification thereto on their websites.

- 58.(1) The Commission shall develop, in consultation with the Licensees, the following –
- (a) Consumer service standards;
 - (b) Quality of service and supply standards;
 - (c) Customer complaint handling standards and procedures;
 - (d) Procedures for dealing with, and assisting where necessary, consumers who have difficulty in paying bills;
 - (e) Procedures for applying for electricity service;
 - (f) Procedures for disconnecting non-paying consumers or for those in breach of other terms and conditions of an applicable tariff or contract;
 - (g) The information to be provided to consumers and the manner of its dissemination;
 - (h) Internal procedures for responding to emergency situations; and
 - (i) Consumer and Licensee Dispute Resolution framework.

*Consumer
Protection
Standards*

- (2) Standards and procedures developed by the Commission shall be adhered to by the applicable Licensees and all persons to which they apply to and shall be published by the applicable Licensees in such manner and by such means as the Commission may direct.
- (3) Without prejudice to the obligations of Licensees regarding compliance with service delivery standards under this section,

Licensees shall publish on a quarterly basis through their official websites or other online mediums, key performance indicators as it affects service delivery including –

- (a) Technical data related to load, system and equipment;
- (b) Operational parameters;
- (c) Financial data; and
- (d) Customer service information and other indicators.

(4) The Commission shall consider the need to prevent or to mitigate abuses of market power by its Licensees, in its decisions and orders regarding-

- (a) licence applications and the grant of licences;
- (b) licence terms and conditions;
- (c) the approval of tariffs agreed to between Licensees;
- (d) whether or not to approve a merger, acquisition or affiliation; and
- (e) such other matters relating to electricity services.

(5) In discharging its ongoing responsibility to monitor the electricity businesses and Market to determine whether there is, or may be, an abuse of market power, the Commission shall be entitled to –

- (a) require information from licensees;
- (b) undertake inquiries; and
- (c) establish or contract with an independent entity to provide market monitoring and surveillance services.

(6) If the Commission determines that there is an abuse of market power by anyone or more of its Licensees, it may –

- (a) issue cease orders as may be required; and
- (b) levy fines not exceeding Five Million Naira (N5,000,000.00) for each day in which the abuse continues.

59.(1) The Commission shall consider the need to prevent or to mitigate abuses of market power by its Licensees, in its decisions and orders regarding –

- (a) licence applications and the grant of licences;
- (b) licence terms and conditions;

*Abuse of Market
Power*

- (c) the approval of tariffs agreed to between Licensees;
 - (d) whether or not to approve a merger, acquisition or affiliation; and
 - (e) such other matters relating to electricity services.
- (2) In discharging its ongoing responsibility to monitor the electricity businesses and Market to determine whether there is, or may be, an abuse of market power, the Commission shall be entitled to –
- (a) require information from licensees;
 - (b) undertake inquiries; and
 - (c) establish or contract with an independent entity to provide market monitoring and surveillance services.
- (3) If the Commission determines that there is an abuse of market power by anyone or more of its Licensees, it may –
- (a) issue cease orders as may be required; and
 - (b) levy fines not exceeding Five Million Naira (₦5,000,000.00) for each day in which the abuse continues.

PART VI - RENEWABLE ENERGY, DECARBONIZATION PATHWAYS, ENERGY EFFICIENCY AND DEMAND SIDE MANAGEMENT

60. The role of the Commission under this Part is to –
- (a) encourage and promote the use of renewable sources for electricity generation;
 - (b) conduct decarbonization scenario planning and create a decarbonization roadmap and implementation plan;
 - (c) encourage and promote energy efficiency practices;
 - (d) encourage and promote demand side management practices aimed at reducing capacity requirements and costs and increasing the penetration of renewable generation and reducing power system emissions;
 - (e) promote energy efficiency in power utilization;
 - (f) develop policies aimed at addressing emissions that damage the environment;

*Role of the
Commission*

- (g) implement the Renewable Energy Framework and Action Plan developed by the Ministry;
- (h) guarantee the transmission or distribution of electricity generated from renewable energy sources;
- (i) provide for priority access or guaranteed access to the State grid of electricity generated from renewable energy sources;
- (j) ensure that in the dispatch of electricity generated, priority is given to electricity generated using renewable energy sources;
- (k) issue regulations to prescribe mandatory emissions standards and limits in respect of the use of distillates for electricity generation; and
- (l) issue regulations to address any matter as may be relevant to the environmentally friendly operations of the Imo Electricity Market.

61. The role of the Ministry under this Part is to –

*Role of the
Ministry*

- (a) develop a Renewable Energy, Decarbonization Pathway, Energy Efficiency and Demand Side Management Strategy and Action Plan ("Renewable Energy Framework and Action Plan") for the State, within Twelve (12) months of the commencement of this Law or within such other period as may be approved by the Governor;
- (b) review, amend or modify the Renewable Energy Framework and Action Plan from time to time but at least every Five (5) years from the development of the pioneer edition of the Renewable Energy Framework and Action Plan;
- (c) publish the Renewable Energy Framework and Action Plan or any amendment, review or modification on the website of the Ministry; and
- (d) work with all relevant stakeholders to implement the Renewable Energy Framework and Action Plan.

PART VII - OFF-GRID ELECTRIFICATION AND ANCILLARY MATTERS

62. The role of the Imo State Government under this Part is to –
- (a) introduce, support and promote programmes, incentives, collaborations and schemes for the deployment of off-grid solutions in the State;
 - (b) create an enabling investment environment for the deployment of off-grid solutions in the State;
 - (c) ensure relevant cooperation and collaboration with the Federal Government and all relevant agencies, bodies, entities or undertakings, including international and regional organisations towards accomplishing the underlying objectives of this Law; and
 - (d) encourage public-private partnerships for the development and deployment of off-grid solutions.

*Role of Imo
State
Government*

63. The role of the Ministry under this Part is to –
- (a) within six (6) months of the commencement of this Law or such period as may be approved by the Governor, establish and publish relevant criteria for identifying, and accordingly identify, all unserved and underserved areas, communities and clusters in the State;
 - (b) develop an Off-grid Electrification Plan for the State, within Twelve (12) months of the commencement of this Law or within such other period as may be approved by the Governor;
 - (c) review, amend or modify the Off-grid Electrification Plan from time to time but at least every Five (5) years from the development of the pioneer edition of the Off-grid Electrification Strategy and Action Plan;
 - (d) publish the Off-grid Electrification Plan or any amendment, review or modification on the website of the Ministry; and
 - (e) work with all relevant stakeholders to implement the Off-grid Electrification Plan.

*Role of the
Ministry*

64. The Off-grid Electrification Plan shall –
- (a) comprehensively articulate the off-grid electrification strategy and action points for the State;
 - (b) recognize off-grid solutions as a vital component of the Sustainability Plan;

*The Off-grid
Electrification
Plan*

- (c) articulate the State's short, medium and long term targets for the development and deployment of off-grid solutions;
- (d) identify potential cost effective, efficient and reliable off-grid solutions suitable to each unserved or underserved area, community or cluster in the State and the nature of incentives that may be provided to such locations and to licensees to drive the provision of off-grid solutions;
- (e) identify the role of the State to provide incentives and an enabling environment to catalyze private sector investment in creating an ecosystem for off-grid solutions in the State;
- (f) set a framework for research and development, enlightenments, sensitization, consumer protection and capacity building programmes for off-grid solutions in the State;
- (g) create regulatory principles applicable to off-grid solutions and e-waste in the State;
- (h) create programmes, projects and activities to be implemented to drive off-grid solutions; and
- (i) design monitoring and evaluation frameworks to track the implementation of the Off-Grid Electrification Plan and the attendant annual reviews, audits and reports of relevant measures introduced by the State.

PART VIII - IMO STATE ELECTRIFICATION AND INFRASTRUCTURE DEVELOPMENT AGENCY AND THE IMO STATE ELECTRIFICATION FUND

- 65.(1) There is established an entity to be known as the Imo State Electrification and Infrastructure Development Agency, which shall be –
- (a) a body corporate with perpetual succession and a common seal; and
 - (b) may sue or be sued in its corporate name;
 - (c) may acquire, hold or dispose of movable or immovable property.

*Establishment
and
Composition of
the Imo State
Electrification
and
Infrastructure
Development
Agency*

- (2) The Agency shall have a Governing Board consisting of the following members appointed by the Governor –
- (a) a Chairman;
 - (b) the Director-General of the Agency;
 - (c) a representative of the Ministry who shall be a non-executive Director;
 - (d) Three (3) part-time non-executive Directors selected from the private sector;
 - (e) a representative from each of the Local Governments in Imo State, appointed by the Governor; and
 - (f) a Secretary and Legal Adviser.

Provided that at least one part-time member shall be a person with training and cognate experience in procurement of goods, works, and services.

- (3) In appointing part-time members of the Governing Board, the Governor shall ensure that each appointee has public or private sector experience directly relevant to the utilities industry.
- (4) The Director General of the Agency shall be a person with educational or professional qualifications in economics, finance, engineering, law, business or utilities regulation and who has cognate experience in electricity sector operations or regulatory affairs, in addition to senior management experience gained in the public or private sector over a period not less than Ten (10) years.
- (5) The Secretary of the Agency shall be a legal practitioner qualified to practice in Nigeria, with at least Ten (10) years post-call experience and he shall –
- (a) be the Head of the Legal Department of the Agency;
 - (b) be the Legal Adviser to the Agency;
 - (c) arrange, attend and take minutes of meetings of the Governing Board of the Agency;
 - (d) keep corporate records and the common seal of the Agency; and

- (e) (discharge such other administrative and other secretarial duties as the Director General or the Governing Board of the Agency may assign
- (6) Save as provided in subsection (9), the members of the Governing Board shall serve in a part-time, non-executive management capacity, and be solely responsible for considering and approving the policies, projects, programmes, and decisions of the Agency.
- (7) All approvals made by the Governing Board shall be upon prior consideration of a duly written memorandum for approval presented to the Governing Board, but not by ratification of a prior decision made solely by the Chairman or by the Director General, or by them both acting together.
- (8) A Director of the Council shall hold office for a term of Four (4) years renewable for a second and final term of Four (4) years only: Provided that of the first set of Directors, the Chairman, a part-time member determined by the Governor and the Director General shall have a full first tenure of Four (4) years each, and if their appointments are renewed, a second and final tenure of Four (4) years each; while Two (2) part-time members designated by the Governor shall have a first tenure of Three years each and, if their appointments are renewed, a second and final tenure of Three (3) years each.
- (9) The Director General shall be the Chief Executive Officer of the Agency, and shall be responsible for ensuring execution of the decisions of the Agency and its approved policies, projects, and programmes, and for the day-to-day administration of the activities of the Agency.
- (10) Directors of the Agency shall stand in a fiduciary relationship towards the Agency and shall observe utmost good faith towards the Agency in the exercise of his or her powers and in the discharge of his or her duties.

(11) The Agency shall be efficiently structured into such number of departments and their sub-units as its Governing Board may approve.

66.(1) The Agency shall have the right to classify a community, town or village in the State as “unserved” and an “underserved” and shall determine the criteria for defining an “unserved” and an “underserved” community, town or village in the State, which criteria shall be posted in a statement on the Agency’s internet portal and published on its official website.

*Petitions to the
Agency*

(2) A community, town or village classified by the Agency as “unserved” or “underserved” shall have the right to petition the Governing Board concerning the Agency’s decision to classify it as such.

(3) A community, town or village affected or likely to be affected by the Agency’s decisions pertaining to any application for grants from the Fund shall have the right to petition the Governing Board concerning the Agency’s decision.

(4) A community, town or village that wishes to file a petition as provided for by subsections (2) and (3) above, may submit a written petition to the Governing Board but such petition shall be solely on the grounds that the Agency failed to follow the criteria posted on its internet portal or as stated in the State Electrification Strategy and Plan.

(5) A petition under subsection(2) shall provide particulars of the decision complained of and factual details in support thereof, followed by an appropriate argument, and conclude with a statement that the relevant criteria were not followed, either in determining the community, town or village to be unserved or underserved or in making a grant from the Fund, with a prayer as to the remedial measures that the Governing Board should take in regard thereto.

(6) The Governing Board shall, within Twenty-one (21) days of the receipt of a petition, make its finding; and where it finds

that the relevant criteria were not followed by the Agency, it shall immediately direct such remedial steps to be taken as requested by the petitioner or as it may otherwise or in addition determine as necessary to correct the Agency's error. Provided that the Governing Board's dismissal of any petition submitted to it by an aggrieved community, town or village shall automatically be referred to the Governor.

- (7) The Governor shall either approve the decision made by the Agency, or require the Agency to take such remedial actions, as may be determined to be appropriate to correct any error established to have been made by the Agency.

- 67.(1) The Agency may appoint such other persons as its staff or officers by way of direct employment with the approval of the Governor, or by transfer of service or secondment with the collaboration of the State Civil Service Commission or the Head of the Civil Service of the State, as the case may be.

*Officers of the
Agency*

- (2) The Agency may post any of its suitably-qualified officers to act as its Secretary, to keep the records and conduct the correspondence of the Agency and perform such other duties as the Chairman or the Director-General may direct; Provided that the Secretary shall not be a member of the Governing Board and shall be a person qualified to be a company secretary under Section 332 of the Companies and Allied Matters Act 2020 or such other law in force.

- (3) The Agency shall at all times seek to employ and retain the most competent persons available for each staff position in the Agency

- 68.(1) The Agency shall develop and submit for the approval of the Governor appropriate conditions of service concerning remuneration, allowances, fringe benefits, pension and gratuity scheme, and other benefits for the members of its Council, Director-General and staff of the Agency, which would enable it to attract and retain high quality personnel.

*Conditions of
Service*

- (2) There is established for the Agency a contributory pension scheme constituted under the relevant State Law for its staff, which shall be funded by contributions from the State Government and from the staff of the Agency respectively.
- (3) Except for short-term contract appointments which shall not exceed a twenty-four-month non-renewable term, no appointment to the staff of the Agency or to carry out staff duties shall be made on terms that preclude the grant of pension and gratuity rights

69.(1)The functions of the Agency are to –

*Functions of
the Agency*

- (a) administer the Fund and ensure full execution of the State Electrification Strategy and Plan;
- (b) identify, plan and execute infrastructure development projects within the electricity sector, focusing on improving power generation, transmission and distribution facilities;
- (c) collaborate with relevant stakeholders, including government bodies, private entities and international organizations, to develop strategic infrastructure initiatives aimed at enhancing the electricity grid in Imo State;
- (d) monitor and evaluate the implementation of infrastructure projects to ensure adherence to established timelines, quality standards, and cost-effectiveness;
- (e) develop and implement maintenance schedules and protocols to ensure the continued efficiency, reliability, and safety of existing electricity infrastructure across Imo State;
- (f) implement security measures to safeguard electricity infrastructure against vandalism, theft, and unauthorized access, collaborating with law enforcement agencies and local communities to ensure the protection of these assets;

- (g) conduct regular assessments and audits of infrastructure vulnerabilities, identifying potential risks and implementing measures to mitigate these risks effectively;
 - (h) manage resources efficiently, including financial, technological, and human resources, to support infrastructure development and maintenance initiatives effectively;
 - (i) develop training programs and capacity-building initiatives for personnel involved in electricity infrastructure operations, aiming to enhance technical skills, safety protocols, and crisis management capabilities;
 - (j) engage with stakeholders, including consumers, industry experts, local communities, and relevant authorities, to gather feedback, address concerns, and foster collaboration in infrastructure development and maintenance efforts;
 - (k) conduct public awareness campaigns to educate stakeholders about the importance of electricity infrastructure, safety measures, and the role of the Authority in ensuring a reliable and sustainable electricity supply;
 - (l) advocate for policies and regulations conducive to infrastructure development and maintenance within the electricity sector, collaborating with governmental bodies and policymakers to create an enabling environment for sustainable energy infrastructure; and
 - (m) encourage and support innovative approaches and technologies in infrastructure development, seeking to enhance efficiency, reliability, and sustainability in electricity generation, transmission, and distribution.
- (2) Nothing in this section shall be construed as authorising the Agency to exercise regulatory functions over, or interfere with the functioning of, the Commission.
- (3) The Agency shall, no later than Six (6) months from the date of commencement of this Law –

- (a) determine the criteria for defining an “unserved” and an “underserved” community or area in the State, which criteria shall be posted in a statement on the Agency’s internet portal;
 - (b) applying the said criteria, undertake a survey to identify and enumerate each community, village or town that is to be classified as “unserved” or “underserved”, and thereafter issue a declaration identifying by name and local government area every “unserved” and “underserved” community, village and town in the State outside the places designated by the Governing Board as “urban areas”, which declaration shall be posted on the Agency’s internet portal; and
 - (c) prepare and submit for the approval of the Governing Board a sustainable State Electrification Strategy and Plan that ensures the deployment of the Fund to the progressive and measurable provision of electricity connections, and reliable electricity supply to residents in the said “unserved” and “underserved” area.
- (4) The Agency shall, no later than Twelve (12) months from the date of the declaration in subsection (3) (b) and no later than the annual anniversary thereafter, refresh by a public notice the list of “unserved” and “underserved” communities, towns and villages in the State to indicate progress or otherwise in executing the State Electrification Strategy and Plan.
- (5) The Agency shall, no later than every fifth year following the approval of the State Electrification Strategy and Plan, review and, if necessary, modify, amend, or redefine the said Strategy and Plan and thereafter restate it in a new edition thereof.
- (6) The Agency shall, no later than 1st April of each year, submit to the Governor the annual audited statement of accounts of the State Electrification Fund for the previous financial year.
- (7) The Agency shall, no later than twenty-one days after the end of each quarter in the calendar year, submit to the

Governor its report on its progress in implementing the State Electrification Strategy and Plan, which shall include management accounts of the Fund, information relating to the utilisation of the Fund for its stated purposes, particularly the provision of any distributed generation and any mini-grid systems in “unserved” and “underserved” areas of the State, and the new metered connections thereby established and the extent of the utilisation of renewable energy generation and distribution or consumer home systems.

- (8) The Agency shall be responsible for the issuance of a Right of-Way permit for all electrical construction and installations.
- (9) The Agency shall be responsible for the provision and maintenance of the electricity consumption apparatuses and other electricity infrastructure of all Imo State Government offices and locations, as well as the management of all street lighting and traffic lighting infrastructure in the State.

70. The objectives of the Agency are to –
- (a) identify and determine the criteria for defining an “unserved” and an “underserved” community or area in the State;
 - (b) formulate a sustainable State Electrification Strategy and Plan to ensure the deployment of the Fund for the provision of electricity connections and reliable electricity supply to residents in “unserved” and “underserved” areas;
 - (c) implement and utilize the Fund in accordance with its functions and powers as stated in this Law;
 - (d) formulate, develop, and implement regulatory frameworks and policies conducive to fostering efficient and sustainable electricity infrastructure development within Imo State;
 - (e) establish and enforce standards, guidelines, and regulations governing the planning, construction, operation, and maintenance of electricity infrastructure in the State;

*Objectives of
the Agency*

- (f) engage in strategic planning and coordination of electricity infrastructure projects, aligning development initiatives with state energy policies and national regulatory frameworks;
- (g) collaborate with stakeholders to facilitate the integration of new technologies and innovative approaches for optimal infrastructure development;
- (h) encourage innovation in infrastructure development, seeking novel approaches and technologies to enhance efficiency, reliability, and sustainability in the electricity sector; and
- (i) maintain and safeguard existing electricity infrastructure in Imo State.

71. The Agency shall have the power to –

- (a) enter into any community, village or town in the State for the purposes of conducting enumeration surveys provided for in section 37;
- (b) set out the modalities for the administration of the Imo State Electrification Fund established under section 77, and to administer and apply the Fund to the implementation of the State Electrification Strategy and Plan;
- (c) collaborate and partner with public and private sector entities, development finance institutions non-governmental organisations, and any individual or body in order to effectively carry out its functions under this Law, and to accept gifts and grants from them;
- (d) source external funds and apply same to the carrying out of any project authorized by this Law for it to do;
- (e) promote, facilitate and coordinate infrastructure development projects within the electricity sector in Imo state;
- (f) attract private investments into electricity infrastructure projects through various incentives and initiatives;
- (g) oversee, facilitate and promote the development of power generation, transmission and distribution projects in accordance with the State's Electricity Policy;

*Powers of the
Agency*

- (h) in conjunction with the Commission, oversee and strategize the expansion and enhancement of the electricity grid in Imo State;
- (i) borrow money to do anything required under this Law;
- (j) open and maintain one or more bank accounts into which the monies of the Fund shall be kept;
- (k) do anything for the purpose of advancing the skills of persons employed by the Agency including the provision of facilities for training, education, and research;
- (l) own land or interest in land, and to dispose of the same when desired;
- (m) accept or acquire and hold any security of any kind in any form whatever;
- (n) surrender, re-transfer, or re-convey any security held by the Agency whether upon exchange for another security or upon discharge;
- (o) exercise any power, right or privilege in respect of any security held by the Agency in like manner as a private individual would be capable of exercising in like circumstances;
- (p) invest money standing to its credit, and not for the time being required for its purposes under this Law, in stocks, shares, debentures, promissory notes or other securities approved by the Governing Board, and to sell such stocks, shares, debentures or other securities with the approval of the Governing Board; (m) insure its properties against all forms of risks;
- (q) write-off bad debts with the approval of the Governing Board;
- (r) prohibit, control, and regulate the presence of any person or vehicle or thing on any premises occupied by the Agency; and
- (s) carry on all activities which are necessary, advantageous, convenient, or profitable to the Agency.

72. In the discharge of its functions under this Law, the Agency shall deliver statutory reports, and be subject, to the directives or approvals from, the Governor: Provided that no directive or approval from, or by the Governor in relation to the Fund shall be contrary to this Law.
- Oversight of the Agency*
73. The funds of the Agency shall consist of –
- (a) a take-off grant provided by the Office of the Governor;
 - (b) funds appropriated to the Agency by the House of Assembly, pursuant to an appropriation request made by the Agency through the Governor; and
 - (c) donations, grants-in-aid, and such other moneys as may accrue to the Agency, expressly for the purpose of its recurrent or capital expenditure, and shall be administered as the funds of the Agency separate and distinct from the State Electrification Fund established by this Law.
- Funds of the Agency*
- 74.(1) There is established a fund to be called the Imo State Electrification Fund.
- The Imo State Electrification Fund*
- (2) The sole purpose to which the Fund shall be applied shall be the implementation of the State Electrification Strategy and Plan by promoting, supporting, enabling and undertaking collaboration and partnerships with public and private sector entities, development finance institutions and non-governmental organisations and the various “unserved” and “underserved” communities, towns and villages of Imo State in order to –
- (a) maximize the economic, social and environmental benefits of the Fund and such other available funding for capital expenditure to extend electricity access by residents in “unserved” and “underserved” areas of the State to the Market;
 - (b) ensure the expansion of the Market and the development of programmes that provide equitable access to, and use of, electricity in the Market by residents in unserved and underserved areas of the State identified by the Agency; and

(c) promote and enable innovative approaches to the electrification of “unserved” and “underserved” areas of the State and enable their connection to the Market

- (3) The monies of the Fund shall be kept in commercial banks including the Central Bank of Nigeria, as may be approved or determined by the Governor; so provided that where such monies are contributed or obtained by the Agency in any currency other than the Naira, they shall be held in that currency in the said banks and may not be converted to be utilised for the purposes of the Fund until such a time as the specific project to which the said monies are to be applied is certified by the Governing Board as having been approved and ready for construction.
- (4) For the avoidance of doubt, the assets and monies in the Fund shall not be used in any manner whatsoever to defray or undertake the recurrent or capital expenditure of the Agency.
- (5) In the event that the Fund is abrogated or dissolved in any manner whatsoever, the cash and assets of the Fund shall immediately, and without further assurance, be liable to disaggregation and recovery by, and return to, each contributor to the said Fund or entity from which the said cash or asset was derived.
- (6) Pursuant to subsection (5), where any money in the Fund is liable to be returned to or recovered by any contributor or entity from which the money was derived it shall be so returned with interest accrued at the annual Central Bank of Nigeria treasury bill rate compounded annually to the date on which the said cash is returned or recovered.

75. The State Electrification Fund shall consist of the following capital, physical and in-kind assets –
- (a) any funds of the Commission ascertained by audit as surplus to the budgeted requirements of the Commission;

*Assets of the
Fund*

- (b) any fines and penalties imposed by the Commission pursuant to this Law;
- (c) any donations, gifts, or loans in cash, physical and in-kind assets provided by international agencies, development finance institutions, nongovernmental organisations, any state government of the Federation, the Federal Government, the local governments of a state, local communities, businesses or any other entity;
- (d) any electricity levy introduced by the Commission pursuant to this Law;
- (e) earnings, interest and other income accruing from the investments made and project funded with the monies accruing to the Electrification Fund and the principal sum invested upon maturation;
- (f) such percentage of the annual turnover of State licensees as may be determined by the Commission as their contributions to the Fund, and any other monies that they may additionally contribute to the Fund;
- (g) any monies appropriated by the Imo State House of Assembly; and
- (h) any monies that may be appropriated by the local governments of the State from the funds accruing to them.

76. To the extent required by the State Electrification Strategy and Plan, the Commission may determine the contribution rates to be paid to the State Electrification Fund by any or all licensees

*Contributions
to the Fund*

77.(1)The Agency shall, in consultation with the general public Market Participants in the State Electricity Market, the Governor-in-Council and such other stakeholders as it shall identify –

*Criteria for
Allocating
Resources
From The Fund*

- (a) establish objective and transparent eligibility criteria for the allocation of resources from the Fund, which criteria shall be determined considering the need for financial support from the Fund, progress in increasing State electrification achieved through previous disbursements from the Fund and the existence of local matching contributions; and

(b) develop an open, competitive and transparent procedure for selecting eligible projects to receive disbursements from the Fund.

(2) The eligibility criteria determined under subsection (1)(a) shall consider the following –

(a) the extent to which the proposed project demonstrates technical feasibility and socioeconomic value-for-money;

(b) the extent to which the proposed project enables socio-economic development of the State and supports the priorities of the relevant unserved and underserved communities; and

(c) the level of community and investor commitment to the proposed project.

(2) The selection criteria under subsection (1) (b), and the quantum of disbursement to each project, shall be determined and stated by the Agency considering the amount available in the Fund, the cost of each new connection created under the project, and other objective criteria that the Agency may determine, such as proposed tariff and quality of service levels.

(3) The eligibility and selection criteria applied by the Agency shall be reaffirmed, or as the case may be, reviewed and redefined, and the identification of eligible projects undertaken, annually.

78.(1) The Agency shall prepare and submit to the Governor not later than the date stated in the appropriate call memo but, in any event, no later than 30th September of every year, an estimate of its expenditure and income for the next succeeding year.

*Accounts
and Audit*

(2) The Agency shall keep proper accounts in respect of each financial year, and proper records in relation to these accounts, and shall cause the accounts to be audited at the end of each financial year by a firm of auditors, selected from a list of auditors approved by the State Auditor- General.

(3) The financial year of the Agency shall be the 1st January to 31st December.

79. In overseeing the execution of the Reliability Plan, the Agency shall ensure constant coordination with the Commission.

*Coordination
with the
Commission*

80.(1) The Governing Board shall meet at least Four (4) times in every financial year.

*Proceedings
of the Agency*

(2) The Chairperson may summon an emergency meeting of the Governing Board of the Agency, but shall at any time call an emergency meeting upon a written request by a majority of the members of the Governing Board

(3) The Chairperson shall preside at every meeting of the Governing Board and in the absence of the Chairperson, one of the members except the Director General shall be appointed to preside.

(4) Unless otherwise agreed by all the members of the Governing Board of the Agency, at least Seven (7) days written notice of every meeting of the Governing Board shall be given to every member of the Board of the Agency.

(5) Any question for decision before the Governing Board shall be decided by the majority of votes of members present and voting and where there is an equality of votes, the Chairperson presiding shall have a casting vote.

(6) The quorum of any meeting of the Board of the Agency shall be Eight (8) members.

(7) Where the Governing Board desires to obtain the advice of any person on a matter, the Governing Board may co-opt the person as a member for such period as it thinks fit, provided that a person co-opted shall not be entitled to vote at any meeting of the Governing Board and shall not count towards a quorum.

81.(1)The Agency shall establish a Task Force to be known as the Community Protection Task Force.

*Establishment
of a
Community
Protection
Task Force*

(2)The Task Force shall comprise representatives from local communities including but not limited to community and traditional leaders, security agencies and designated utility officials.

(3) The composition of the task force shall be such that it represents the interest of the local communities.

82. The Task Force shall be saddled with the following responsibilities –

*Responsibilities
of the Task
Force*

(a) Conduct regular and systematic monitoring of electricity infrastructure within respective communities to detect any signs of tampering, damage or unauthorized access.

(b) In collaboration with the commission, design safety measures and security protocols to protect electricity infrastructure within the State.

(c) Maintain detailed records and reports of infrastructure conditions and any observed irregularities.

(d) Conduct comprehensive awareness campaigns and educational programs within local communities to underscore the importance of protecting electricity facilities.

(e) Ensure timely communication and collaboration with security agencies and the Authority to address reported concerns and take necessary preventive measures.

**PART IX - THE IMO STATE ELECTRICITY DISPUTES
RESOLUTION OFFICE, PROCEDURE FOR CAUSE OF**

ACTION AGAINST THE COMMISSION OR THE AGENCY AND WHISTLE BLOWING POLICY

83.(1)The Commission shall set up the Imo State Electricity Disputes Resolution Office (the “Disputes Resolution Office”) which shall take necessary steps to facilitate the amicable and expeditious resolution of disputes in the Imo Electricity Market. The Disputes Resolution Office shall work with the IMDCH to resolve disputes using any of its dispute resolution mechanisms.

*Establishment
of the Imo
State
Electricity
Disputes
Resolution
Office*

(2)The Disputes Resolution Office shall operate independently and impartially to investigate and resolve electricity-related issues, ensuring fairness and equity in dispute resolution.

84. The Disputes Resolution Office shall –
- (a) handle a diverse range of consumer grievances related to billing disputes, service interruptions, quality of service complaints, metering issues, and unfair treatment by electricity providers;
 - (b) establish accessible channels for consumers to lodge complaints, including online portals, hotlines, physical offices and partnerships with consumer advocacy groups;
 - (c) conduct awareness campaigns to educate consumers about their rights and the role of the Bureau in resolving electricity-related issues;
 - (d) work with the IMDCH to facilitate amicable settlements between consumers and electricity providers, ensuring swift and fair dispute resolution mechanisms;
 - (e) conduct impartial investigations into complaints and issue binding decisions or recommendations for redress, including compensation for affected consumers;
 - (f) ensure transparency by publishing annual reports highlighting resolved cases, complaint trends, and recommendations for improvements in the electricity sector to promote accountability and reforms
 - (g) regularly review and refine the framework of the Disputes Resolution Office based on feedback, emerging issues, and technological advancements to improve efficiency;

*Functions of
the Disputes
Resolution
Office*

- (h) access all necessary information, documents, records, and data from electricity providers, relevant entities, and stakeholders required for thorough and comprehensive investigations;
- (i) compel cooperation and compliance from electricity providers and other involved parties, ensuring the full and unrestricted access to information essential for impartial and effective investigations; and
- (j) issue sanctions, penalties and legal consequences.

85. The Commission shall determine the membership and composition of the Disputes Resolution Office.

*Constitution of
the Disputes
Resolution
Office*

86.(1) The Dispute Resolution Office may co-opt persons, at any of its meetings, as observers, representatives of relevant associations, including associations of shareholders, registrars or trustees, as are considered necessary, and members so co-opted shall not count towards a quorum or have the right to vote in respect of any decision taken by the Bureau.

*Procedure for
Legal Actions
against the
Commission
and the
Agency*

(2)The following procedure shall be adopted by Claimants bringing any legal action against the Commission or the Agency –

- (a) any legal action against the Commission or the Agency or any member, officer or employee of the Commission or the Agency for any act done, attempted to be done or omitted to be done in pursuance or execution of this Law, any other Laws, applicable regulations, or of any public duty or authority shall not lie or be instituted in any court unless it is commenced within Twelve (12) months after the act, neglect or default complained of or in case of continuance of damage or injury within twelve (12) months after;
- (b) a legal action shall not be commenced against the Commission or the Agency or any Governing Board member, officer or employee of the Commission or the Agency before the expiration of a period of Forty-Five (45) days after written notice of intention to commence the suit

shall have been served upon the Commission or the Agency by the intending Claimant or Claimant's agent;

- (c) the notice referred to in subsection (1) of this section shall clearly and explicitly state –
- (a) the cause of action;
 - (b) the particulars of the claim;
 - (c) the name and place of residence of the intending Claimant; and
 - (d) the reliefs which are claimed; and
- (d) the notice referred to in subsection (1) of this section and any summons or other documents required or authorized to be served on the Commission or the Agency, may be served by delivering the same to the office of the Chairman or Commission Secretary or in the case of the Agency, the Chairman of the Governing Board, the Director General or Secretary of the Agency.

87. No liability shall attach to the Commission or the Agency or any member, officer or employee of the Commission or the Agency for any loss or damage sustained by any person done in good faith in exercise or performance of any function conferred or imposed on the Commission or the Agency or any of the member, officer or employee of the Commission or the Agency pursuant to this Law.

*Exemption
from Liability*

- 88.(1) The Commission shall operate a Whistle blowing Policy which allows persons to report any suspected violations of any provision of this Law or applicable regulations to the Commission.

*Whistle blowing
Policy and
procedure*

- (2) Any person ("Whistleblower") shall have the right to report or disclose in good faith and in the public interest either orally or in writing, any suspected violations of any provision of this Law or applicable regulations to the Commission. A disclosure is made in 'good faith' and 'in the public interest' if it is made honestly and with due care.

- (3) A disclosure shall qualify as made in good faith and in the public interest where the whistleblower has reason to believe and tends to show any of the following –
 - (a) that an offence under this Law or applicable regulations has occurred or is likely to occur; or
 - (b) that a person has failed, is failing or is likely to fail to comply with any legal obligation provided under this Law or applicable regulations; or
 - (c) that a person is carrying on activities relating to electricity that may constitute a risk to health or safety of the general public; or
 - (d) that there is damage to electricity property or concealment of the same.
- (4) Upon receipt of a report by the Commission, the Commission shall take all necessary steps to investigate the report and if satisfied that any offence under this Law or under any applicable regulation has been committed or there was an attempt to commit an offence under this Law or under any applicable regulation, the Commission shall take appropriate legal and law enforcement actions to prosecute the offender.
- (5) The Commission shall protect the identity and fundamental rights of the Whistleblower at all times.
- (6) The Commission shall always keep confidential all disclosed information so that is not exposed to or used by unauthorized persons.
- (7) The Commission shall by regulations set up an incentive scheme for the provision of monetary reward of a minimum amount of Fifty Thousand Naira (~~₦~~50,000.00) or such larger amount as may be fixed by the Commission, which shall be given to a Whistleblower in accordance with subsection (3) of this section and the Commission is able to establish that an offence has been committed or there was an attempt to commit an offence as a result of such report or disclosure.

PART X - MISCELLANEOUS PROVISIONS

*Offences and
Penalties*

- 89.(1) Any person who wilfully damages any electrical installations, appliances, or meters, or unlawfully taps off, diverts, or takes electricity from them, or interferes with them by any other means, for any purpose whatsoever, commits an offence and is liable on conviction to a fine of Five Million Naira (~~₦~~5,000,000.00) or to imprisonment for eighteen months.
- (2) Any person who alters, or causes to be altered, or permits to be altered, any electricity connection in the State without the consent of the Commission, or does so contrary to any regulations made under this Law commits an offence and is liable on conviction to a fine of Three Million Naira (~~₦~~3,000,000.00) or to imprisonment for Twelve (12) months.
- (3) A person who, in any premises occupied by him or his servants –
- (a) puts, or allows to be put;
 - (b) allows to remain, or to accumulate, any foul obstructive matter, earth, tree, excavated material, or erected installation in such a manner that it may fall on, or damage any electrical installation or its components, commits an offence and is liable on conviction to a fine of Three Million Naira (~~₦~~3,000,000.00) or to imprisonment for Twelve (12) months.
- (4) Where the person in subsection (3), upon notice in writing from the Commission, fails to remove, or to cause to be removed, the foul obstructive matter, earth, tree, excavated material, or erected installation, he or she commits an offence and is liable –
- (a) on conviction to a fine of Three Million Naira (~~₦~~3,000,000.00) or imprisonment for Twelve (12) months;
or
 - (b) to a fine of Fifty Thousand Naira (~~₦~~50,000.00) for each day the offence continues

- (5) A person who fails, upon notice in writing from the Commission, to take such steps as may be necessary to prevent any foul obstructive matter, earth, tree, excavated material, or erected installation from falling on, or damaging any electrical installation and its components, commits an offence and is liable on conviction to a fine of Three Million Naira (~~₦~~3,000,000.00) or imprisonment for Twelve (12) months.
- (6) A person who tampers with any part of any electrical equipment or facility, or wrongfully taps, or closes any control gear, switches, transformers or feeder pillars or other facilities belonging to any State licensee commits an offence and is liable on conviction to a fine of Five Million Naira (~~₦~~5,000,000.00) or to imprisonment for Eighteen (18) months.
- (7) A person who, required by regulation to furnish returns –
- (a) fails or refuses to furnish a return or to supply information in the manner and in the time prescribed;
 - (b) furnishes a false or incomplete return; or
 - (c) supplies false or incomplete information, commits an offence and is liable on conviction to a fine not exceeding Five Million Naira (~~₦~~5,000,000.00) or to imprisonment for Eighteen (18) months, or to both such fine and imprisonment.
- (8) A person who –
- a) wilfully delays or obstructs an inspector in the (8) exercise of the powers or duties conferred or imposed upon him by, or under this Law; or
 - b) fails or refuses, without reasonable cause, to give information to an inspector when required to do so under this Law, or gives false or incomplete information commits an offence and is liable on conviction to a fine not exceeding Five Million Naira (~~₦~~5,000,000.00) or to imprisonment for a period of Eighteen (18) months, or to both such fine and imprisonment.

- (9) A member or officer of the Commission who contravenes Section 30 is liable on conviction to imprisonment for One (1) year, in addition to a fine of Two Million Naira (~~₦~~2,000,000.00).
- (10) Where an offence under this Law is committed by or on behalf of a juristic entity, "person" shall include the Chief Executive Officer of such an entity.
- (11) Any person who contravenes any provision of this Law or any guidelines, orders or regulations made pursuant to this Law commits an offence and is liable on conviction, where no specific penalty is prescribed –
- (a) as a first offender, to a fine not exceeding Five Hundred Thousand Naira (~~₦~~500,000.00) per day for each continuing infraction or imprisonment for Six (6) months; or both
 - (b) for subsequent convictions, to a fine not exceeding One Million Naira (~~₦~~1,000,000.00) per day for each continuing infraction, or imprisonment for Twelve (12) months or both.
- (12) A person or entity who undertakes any electrical construction or installation without first obtaining a Right-of-Way permit from the Agency commits an offence, and is liable on conviction to bear the cost of removing such construction or installation in addition to a fine of not less than Five Million Naira (~~₦~~5,000,000.00) or to imprisonment for Eighteen (18) months or to both such fine and imprisonment.

90. Any person who fails to pay into the Fund, within the prescribed time period, any amount owing under section 75 and section 76 shall be liable to a fine not less than three times, or more than seven times the amount owed.

*Fine for failure
to pay into the
Fund*

91. Any person who, in any declaration required to be made under this Law, makes any statement which he or she knows to be false or does not have reasonable grounds to believe to be

*False
Declaration*

true commits an offence and is liable on conviction to a fine of Five Hundred Thousand Naira (₦500,000.00), or imprisonment for Six (6) months, or both.

- 92.(1) Subject to subsection (4) of this section, an inspector –
- (a) may, at all reasonable times, enter the premises of-
 - (i) a licensee; or
 - (ii) any other person upon which the inspector has reasonable cause to suspect an offence against this Law has been committed; and
 - (b) shall have power to make such examination, inspection, and inquiry, and do such things as may appear necessary for ascertaining whether compliance has been made with this Law.
- (2) Subject to subsection (4), all books, records, accounts, and documents required to be kept by a licensee under the terms and conditions of its licence, or by virtue of an order or regulation of the Commission, shall be open to inspection at all reasonable times by an inspector.
- (3) Subject to subsection (4), an inspector may inspect, at all reasonable times, a station or other equipment, or apparatus, or premises worked or used by, or in the possession or under the control, of a licensee.
- (4) The powers of entry and inspection conferred by this section shall only be exercised in accordance with the consent of the person in charge of the premises concerned or in accordance with a search warrant issued by a magistrate having jurisdiction over such premises, upon an application made to the magistrate by the Commission.
- (5) An inspector exercising powers conferred by a search warrant issued under subsection (4), may, on behalf of the Commission, seize any equipment, apparatus, book, record, or document which the inspector has reasonable cause to suspect will afford evidence of the commission of an offence

*Powers of
Inspectors*

against this Law and the Commission may retain it for so long as may be necessary for the purpose of any examination, investigation, trial or inquiry.

(6) An inspector shall, on demand by any person affected by the exercise of the powers conferred upon him by this section, exhibit the certificate issued to him under section 27(1).

93. The Governor may issue general policy directives to the Commission and the Agency, respectively, and they shall comply accordingly.

*General Policy
Directives*

Provided that such directives shall not be in conflict with the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and this Law.

94.(1) The Commission may issue guidelines, orders and regulations by whatever name called on all matters which by this Law are required or permitted to be prescribed or which, in the opinion of the Commission, are necessary or convenient to be prescribed for carrying out or giving effect to this Law.

*Subsidiary
Legislation of
the
Commission*

(2) Regulations made pursuant to subsection (1) may provide for the imposition of penalties not exceeding five Hundred Thousand Naira (~~₦~~500,000.00) per day of default for contravention of the said regulations.

PART XI - TRANSITION PROVISIONS APPLICABLE TO THE AGENCY AND TRANSITION TO THE IMO STATE ELECTRICITY MARKET

95.(1) All existing electrical installations which were the property of the State or the property of any agency of the State immediately before the enactment of the Law and any future electrical installations and assets owned by the State, shall by virtue of this Law vest in the Agency.

*Transition
provisions
applicable to
the Agency*

(2) All undischarged liabilities and obligations of the State or of any agency of the State in respect of any transferred

electrical installation, shall from the commencement date of this Law become the liabilities and obligations of the Agency.

- (3) Every contract, instrument or arrangement in which the State or any agency of the State was a party to for the construction of any transferred electrical installation shall, unless the circumstances otherwise require, have the effect from the commencement date of this Law as if the Agency had been a party to it and any reference to the State or any agency of the State in the contract or instrument shall be deemed to be a reference to the Agency.
- (4) From the commencement date of this Law, the Governor shall direct the integration of all employees of the relevant agencies into employment with the Agency and their terms of service shall be no less favourable to those in effect immediately prior to the transfer, and all years of service with the relevant agencies shall be deemed to be years of service with the Agency.

96.(1) From the commencement date of this Law –

- (a) any licence, permit, authorization, approval, consent, direction, permission or certificate held by any Pre-Existing Licensee for the provision of such activities or services relating to electricity or electricity installations and which had effect immediately before the commencement date shall continue to have effect for the remainder of its period of validity and be deemed to have been issued by the Commission under the relevant provisions of this Law, with such modifications as deemed necessary to ensure the attainment of the objectives of the electricity policy of the State and this Law. Provided that the Commission may –
 - (i) require a Pre-Existing Licensee to make necessary registrations with the Commission as may be provided for in any regulations made pursuant to this Law;
 - (ii) if it determines that it is necessary in the public interest to do so, issue an interim licence to a

Transition provisions applicable to the Pre-existing Licensees and the Imo State Electricity Market

Pre-Existing Licensee for a specified period in connection with any transitional arrangements; or

- (iii) if requested by a Pre-Existing Licensee, grant a new licence, permit, authorization, approval, consent, direction, permission or certificate on terms and conditions consistent with the provisions of this Law and any applicable regulations.
- (b) any regulations, guidelines, orders, rules, notices, codes, directives, standards, bye-laws or other subsidiary instrument whatsoever applicable –
- (i) to the licence, permit, authorization, approval, consent, direction, permission or certificate referred to in paragraph (a) of this subsection; and
 - (ii) the Pre-Existing Licensee, which were in force immediately before the commencement date shall continue in force as if they had been made by the Commission pursuant to the relevant provisions of this Law, and may be enforced by the Commission in line with its powers under this Law;
- (c) The regulations, guidelines, orders, rules, notices, codes, directives, standards, byelaws or other subsidiary instrument referred to in subsection (1) of this section and deemed to be made by the Commission pursuant to the relevant provisions of this Law may be amended, varied, modified, replaced or repealed by the Commission in accordance with the provisions of this Law;
- (d) Within the time limited for it, the relevant Pre-Existing Licensee, shall promptly apply to the Commission for a renewal or extension in accordance with the requirements of the Commission and this Law;
- (e) Any tariff, price or levy which, immediately before the commencement date, was chargeable within any area in respect of the provision of electricity to electricity consumers or to any particular electricity consumer shall, on and after the commencement date and until alternative provision is made by the Commission

pursuant to this Law, continue to be chargeable in respect of the provision of electricity, to those or similar electricity consumers by a licensee who provides electricity within the area concerned;

- (f) From the commencement date of this Law, the Honourable Commissioner and the Commission shall engage with NERC, NEMSA, any other Federal Government entity and/or Pre-Existing Licensees with a view to reaching an arrangement to facilitate an orderly transition to the Commission of the regulation of the Pre-Existing Licensees;
- (g) The Commission may make any further transition and savings provisions that are necessary or desirable during the transition period (including agreeing to any transitional arrangement and execution of relevant agreements with NERC, NEMSA and/or the Pre-Existing Licensees), provided that such provisions, arrangements or agreements are not inconsistent with the provisions of this Law; and
- (h) Upon the issuance of a licence by the Commission to a Pre-Existing Licensee in accordance with subsection (1) of this section, the Pre-Existing Licensee shall become subject to regulation by the Commission from the date it is issued, in accordance with the terms and conditions of the said licence issued.

This printed impression has been carefully compared by me with the Bill which has been passed by Imo State House of Assembly and found by me to be a true and correct printed copy of the said Bill.

CHINELO
ADAORA EMEGHARA ESQ
Clerk/Head, Legislative Service
House of Assembly
Imo State of Nigeria

Assented to by me this..... day of, 2024



SEN. HOPE UZODIMMA
Governor
Imo State of Nigeria

Assent withheld by me thisday of, 2024

SEN. HOPE UZODIMMA
Governor
Imo State of Nigeria

Passed again by the Imo House of Assembly by two-thirds majority this
Day of, 2024.



RT. HON. CHIKE OLEMGBE
Speaker
Imo State House of Assembly