



## NIGER STATE ELECTRICITY BILL, 2025

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# NIGER STATE ELECTRICITY BILL, 2025

**A Bill**

**For**

**A Law to repeal the Niger State Power Sector Law 2024, and enact the Niger State Electricity Law 2025, to establish a comprehensive legal, regulatory and institutional framework for the Niger State Electricity Market with respect to generation, transmission, system operation, distribution, supply and trading of electricity within Niger State, and attract private capital for the development of the State Electricity Market, and for connected purposes.**

[ ]

Be it enacted by the House of Assembly of Niger State and by the Authority of same in this present State Assembly as follows:

Enactment

## **PART I – PRELIMINARY PROVISIONS**

1. (1) This Bill may be cited as the Niger State Electricity Bill, 2025, and shall come into force on the date it is assented to by the Governor of Niger State.  
  
(2) This Bill shall apply to the generation, transmission, system operation, distribution, supply, trading and other regulated electricity activities carried out wholly within Niger State, in accordance with the Constitution of the Federal Republic of Nigeria and the Electricity Act, 2023.  
  
(3) The application of this Bill shall be limited to intrastate electricity activities, and nothing in this law shall be construed as conferring authority on any person or institution to regulate:
  - (a) the National Grid;
  - (b) interstate electricity transmission or trading; or
  - (c) any matter reserved to the Federal Government under the Electricity Act, 2023.  
(4) This Bill shall be implemented in a manner that ensures coordination, consistency and interoperability between the Niger State Electricity Market and the Nigerian Electricity Supply Industry, in accordance with the Electricity Act, 2023.

Citation and Commencement

<p>(5) The provisions of this Law shall apply subject to transitional arrangements prescribed under this Law for pre-existing licensees, contracts and market operations transitioning from federal to State regulatory oversight.</p> <p>1.</p>	
<p><b>2. In this Law, unless the context otherwise requires</b></p> <p><b>“Act”</b> means the Electricity Act, 2023 enacted by the National Assembly of the Federal Republic of Nigeria, and any amendment thereto;</p> <p><b>“Agency”</b> means the Niger State Electricity Agency established under this Law;</p> <p><b>“Ancillary Services”</b> means services necessary to support the secure and reliable operation of an electricity system, including frequency regulation, voltage control, operating reserves, black start capability, balancing and congestion management, as prescribed by the Commission;</p> <p><b>“Applicant”</b> means any person applying for a licence, permit, approval or authorisation under this Law;</p> <p><b>“Bulk Consumer”</b> means a person who purchases electricity directly from a generation or trading licensee for its own use in quantities above the threshold prescribed by the Commission;</p> <p><b>“Business Rules”</b> means rules issued by the Commission governing its internal proceedings and administration;</p> <p><b>“Captive Generation”</b> means electricity generation undertaken solely for consumption by the generator and not supplied to a third party;</p> <p><b>“Commission”</b> means the Niger State Electricity Regulatory Commission established under this Law;</p> <p><b>“Commissioner”</b> means the Commissioner of the Niger State Government responsible for power and energy;</p> <p><b>“Consumer”</b> means an end-user of electricity supplied by a distribution licensee, franchisee, mini-grid operator or other authorised supplier within the State;</p>	<p>Interpretation</p>

<b>“Contracted Capacity”</b>	means the capacity of electricity agreed between parties under a contract approved by the Commission;
<b>“Cost-Reflective Tariff”</b>	means a tariff that allows a licensee to recover prudently incurred costs, including capital costs, operating costs, and a reasonable return on investment, as determined by the Commission;
<b>“Court”</b>	means the High Court of Niger State and, where required by the Constitution, the Federal High Court;
<b>“Distribution Franchise”</b>	means a contractual arrangement approved by the Commission under which a distribution licensee authorises a third party to provide electricity distribution or supply services within a defined area;
<b>“Distribution Licensee”</b>	means a person licensed by the Commission to own, operate or maintain a distribution system within the State;
<b>“Distribution System”</b>	means an electricity network operating at voltages below 132 kilovolts used for the conveyance of electricity to consumers within the State;
<b>“Electricity Market” or “Niger State Electricity Market”</b>	means all intrastate activities relating to electricity generation, system operation, distribution, supply and trading within Niger State, subject to the Electricity Act 2023;
<b>“Electrification Fund”</b>	means the Niger State Electricity Fund established under this Law;
<b>“Electrification Plan”</b>	means the State Electricity Access and Electrification Plan prepared under this Law;
<b>“Eligible Customer”</b>	has the meaning assigned under the Electricity Act 2023;

<b>“Embedded Generation”</b>	means electricity generation facilities connected directly to a distribution system rather than a transmission system;
<b>“Franchisee”</b>	means a person authorised under a Distribution Franchise to provide distribution or supply services;
<b>“Generation”</b>	means the production of electricity from any primary energy source for supply within the State;
<b>“Generation Licensee”</b>	means a person licensed by the Commission to generate electricity within the State;
<b>“Government Support”</b>	means any grant, subsidy, guarantee, indemnity, or other financial or fiscal support provided by the State Government in relation to electricity projects;
<b>“Grandfathered Rights”</b>	means the rights and obligations of Pre-existing Licensees and contracts recognised and preserved under this Law during the Transition Period;
<b>“Governor”</b>	means the Governor of Niger State;
<b>“Independent System Operator” or “ISO”</b>	means the Niger State Independent System Operator licensed under this Law to perform system operation and market administration functions;
<b>“Intra-State Electricity Market”</b>	means electricity activities conducted wholly within the territorial boundaries of Niger State;
<b>“Licence”</b>	means a licence, permit or authorisation issued by the Commission under this Law;
<b>“Market Participant”</b>	means any person licensed or authorised to participate in any segment of the Niger State Electricity Market;

<b>“Market Rules”</b>	means the rules governing market operations in the Niger State Electricity Market, developed by the ISO and approved by the Commission;
<b>“Ministry”</b>	means the Ministry of the Niger State Government responsible for power and energy;
<b>“Mini-Grid”</b>	means a small-scale electricity system supplying electricity to a limited number of consumers, operating either in isolation from or interconnected with a distribution system, as regulated by the Commission;
<b>“National Grid”</b>	means the national electricity transmission system regulated under the Electricity Act 2023;
<b>“NERC”</b>	means the Nigerian Electricity Regulatory Commission;
<b>“Pre-existing Licensee”</b>	means any person licensed by NERC or any federal authority prior to the commencement of this Law and operating within Niger State;
<b>“Public Interest”</b>	means the promotion of reliable, affordable and sustainable electricity supply, consumer protection, financial viability of licensees, and the long-term development of the Niger State Electricity Market;
<b>“Regulated Activity”</b>	means any electricity activity requiring a licence or authorisation under this Law;
<b>“Renewable Energy”</b>	means energy derived from renewable non-fossil sources including solar, wind, hydro, biomass and geothermal;
<b>“State Grid”</b>	means any intrastate transmission or distribution infrastructure licensed by the Commission and operating wholly within Niger State, excluding assets forming part of the National Grid;
<b>“Subsidy”</b>	means any financial contribution by the State Government to reduce the price of electricity paid by consumers;

	<p><b>“System Operation”</b> means the coordination, control and dispatch of electricity generation, transmission and distribution within the Niger State Electricity Market to ensure reliability, safety and efficiency;</p> <p><b>“Tariff Methodology”</b> means the framework approved by the Commission for determining tariffs;</p> <p><b>“Tariff Order”</b> means a binding order issued by the Commission approving tariffs or tariff adjustments;</p> <p><b>“Transition Period”</b> means the period prescribed by the Commission during which Pre-existing Licensees and contracts are transitioned from federal to State regulatory oversight;</p> <p><b>“Transmission”</b> means the conveyance of electricity at voltages below 132 kilovolts within Niger State where such facilities do not form part of the National Grid;</p> <p><b>“Universal Service Obligation”</b> means the obligation of licensees to ensure reasonable access to electricity across the State as determined by the Commission;</p> <p><b>“Wheeling”</b> means the conveyance of electricity through a transmission or distribution system owned by a licensee for the benefit of another person upon payment of approved charges.</p>	
3. (1) The primary objective of this Bill is to establish a comprehensive legal, regulatory and institutional framework for the development and operation of a competitive, efficient and sustainable electricity market within Niger State, and to attract private sector investment for the growth of the State electricity sector.	(2) Without prejudice to the generality of subsection (1), the objectives of this Bill are to: (a) establish and promote the Niger State Electricity Market as a commercially viable, technically reliable and financially sustainable market across the electricity value chain;	Objectives of the Bill.

<ul style="list-style-type: none"> <li>(b) create a predictable, transparent and investor-friendly regulatory and licensing framework for the conduct of regulated electricity activities within the State;</li> <li>(c) ensure the delivery of affordable, reliable, safe and sustainable electricity supply to electricity consumers in Niger State;</li> <li>(d) facilitate the orderly linkage, coordination and interoperability of the Niger State Electricity Market with the Nigerian Electricity Supply Industry in accordance with the Electricity Act, 2023;</li> <li>(e) promote efficient utilisation of energy resources, including the deployment of renewable energy, energy efficiency and demand-side management measures within the State;</li> <li>(f) provide an effective framework for the reduction of aggregate technical, commercial and collection losses in the State electricity market;</li> <li>(g) protect the interests, rights and welfare of electricity consumers, while ensuring the financial viability of licensees and market participants;</li> <li>(h) establish a coherent framework for electricity planning, policy implementation and market development within the State;</li> <li>(i) promote the development and utilisation of renewable energy and off-grid solutions, particularly for unserved and underserved areas of the State;</li> <li>(j) encourage competition, innovation and good market conduct among licensees, investors and other market participants;</li> <li>(k) support the security and protection of electricity infrastructure and installations, including through the enforcement of laws relating to electricity theft, vandalism and other unlawful acts; and</li> <li>(l) promote capacity building, local content development and public awareness in the electricity sector to support the long-term growth and sustainability of the Niger State Electricity Market.</li> </ul>	
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<p>4. (1) The Ministry responsible for power and energy (in this Bill referred to as “the Ministry”) shall be the principal policy authority of the State Government in respect of the electricity sector and shall:</p> <ul style="list-style-type: none"> <li>(a) formulate, review and coordinate State electricity policies, strategies and plans, including policies relating to renewable energy, energy efficiency and demand-side management;</li> <li>(b) provide general policy direction for the orderly development of a reliable, affordable and sustainable electricity sector within the State;</li> <li>(c) lead the preparation and periodic review of the Niger State Electricity Policy and Strategic Implementation Plan, in consultation with the Commission and other relevant stakeholders;</li> <li>(d) coordinate electricity-related matters among Ministries, Departments and Agencies of the State Government;</li> <li>(e) represent the State Government in inter-governmental engagements with the Federal Government and other States on electricity sector matters; and</li> <li>(f) perform such other policy-related functions as may be assigned to it by the Governor, consistent with this Bill.</li> </ul> <p>(2) In the performance of its functions under this Bill, the Ministry shall not:</p> <ul style="list-style-type: none"> <li>(a) exercise licensing, tariff-setting, enforcement, dispute resolution or adjudicatory powers in respect of the Niger State Electricity Market;</li> <li>(b) issue directions, instructions or approvals relating to any specific licence, tariff determination, enforcement action, regulatory investigation or market dispute; or</li> <li>(c) directly undertake electricity generation, transmission, distribution, supply or trading activities, except through entities lawfully established for that purpose under State law and duly licensed by the Commission.</li> </ul> <p>(3) The Commissioner responsible for power and energy shall:</p> <ul style="list-style-type: none"> <li>(a) provide political leadership and strategic oversight for the development of the State electricity sector;</li> <li>(b) advise the Governor and the State Executive Council on electricity-sector policy matters;</li> </ul>	<p>Roles of the Ministry and The Commissioner</p>
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<ul style="list-style-type: none"> <li>(c) oversee the performance of the Ministry in the discharge of its policy responsibilities under this Bill; and</li> <li>(d) facilitate coordination between the State Government, the Commission and other relevant institutions on matters of electricity policy.</li> </ul> <p>(4) The Commissioner may, after consultation with the Commission, issue written policy directives of a general nature to the Commission on matters of State electricity policy.</p> <p>(5) Any policy directive issued under subsection (4) shall:</p> <ul style="list-style-type: none"> <li>(a) be consistent with the provisions of this Bill and the Electricity Act, 2023;</li> <li>(b) not relate to any specific licence, tariff determination, enforcement action, investigation, dispute or adjudicatory matter;</li> <li>(c) not require the Commission to act in a manner that compromises its statutory duties, independence or impartiality; and</li> <li>(d) be published by the Commission on its official website within a reasonable period.</li> </ul> <p>(6) In giving effect to any policy directive under this section, the Commission shall exercise its regulatory powers independently and impartially and shall not be subject to the direction or control of any person or authority except as expressly provided under this Bill.</p> <p>(7) Nothing in this section shall be construed as permitting the Ministry or the Commissioner to interfere with the day-to-day operations, regulatory decisions, or enforcement actions of the Commission.</p>	
<p>5. (1) There is established for Niger State a body to be known as the Niger State Electricity Regulatory Commission (in this Bill referred to as "the Commission").</p> <p>(2) The Commission shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name.</p> <p>(3) The Commission shall, in furtherance of its functions under this Bill, have power to</p> <ul style="list-style-type: none"> <li>(a) acquire, own, hold, develop, mortgage, lease, dispose of or otherwise deal with movable and immovable property;</li> </ul>	Establishment of the Commission

	<ul style="list-style-type: none"> <li>(b) enter into contracts, agreements and other legal instruments;</li> <li>(c) appoint officers, employees, advisers and consultants in accordance with this Bill; and</li> <li>(d) do all such other lawful acts as are necessary or expedient for the proper performance of its functions under this Bill.</li> </ul>	
	<ul style="list-style-type: none"> <li>(4) The headquarters of the Commission shall be in Minna, and the Commission may establish such zonal or local offices within the State as it considers necessary for the effective discharge of its functions.</li> <li>(5) The Commission shall be responsible for the regulation of electricity generation, transmission, system operation, distribution, supply, trading and other regulated activities carried out wholly within Niger State, in accordance with this Bill and the Electricity Act, 2023.</li> <li>(6) In the exercise of its mandate, the Commission shall act in a manner that ensures coordination and consistency between the Niger State Electricity Market and the Nigerian Electricity Supply Industry.</li> <li>(7) Except as expressly provided under this Bill, the Commission shall be independent and autonomous in the performance of its functions and the exercise of its powers and shall not be subject to the direction or control of any person or authority.</li> <li>(8) The Commission shall exercise its regulatory functions impartially, transparently and professionally.</li> <li>(9) The day-to-day business and administration of the Commission shall be carried out through such departments, units and organizational structures as the Commission may determine for the effective and efficient discharge of its functions.</li> <li>(10) The existence of any vacancy in the Commission or any defect in the appointment of a member shall not invalidate any act or decision of the Commission.</li> </ul>	
6. (1)	The objectives of the Commission shall be to regulate the Niger State Electricity Market in a transparent, independent, and efficient manner, in order to promote reliable electricity supply, protect consumer interests, and support sustainable private sector investment.	Objectives of the Commission

<p>(2) Without prejudice to the generality of subsection (1), the objectives of the Commission shall be to:</p> <ul style="list-style-type: none"> <li>(a) regulate and supervise the conduct of regulated electricity activities within Niger State in accordance with this Bill and the Electricity Act, 2023;</li> <li>(b) establish and maintain a fair, orderly, and competitive electricity market, and prevent the abuse or misuse of market power;</li> <li>(c) ensure that electricity services are provided to consumers in a manner that is safe, reliable, affordable, and of acceptable quality;</li> <li>(d) promote cost-reflective tariffs and commercially viable market structures that ensure the financial sustainability of licensees while safeguarding consumers;</li> <li>(e) protect the rights and interests of electricity consumers, including through transparent tariff setting, service standards, and effective complaint resolution;</li> <li>(f) establish, monitor, and enforce technical, safety, reliability and performance standards applicable to the Niger State Electricity Market;</li> <li>(g) ensure regulatory transparency, predictability, and consistency, including through stakeholder consultation and publication of regulatory decisions;</li> <li>(h) facilitate the efficient utilization of electricity resources within the State, including renewable energy and energy-efficient technologies, where consistent with regulatory functions under this Bill; and</li> <li>(i) perform such other regulatory objectives as are incidental or necessary for the effective discharge of its mandate under this Bill.</li> </ul>	
<p>7. (1) For the purpose of achieving its objectives under this Bill, the Commission shall perform the following regulatory functions:</p> <ul style="list-style-type: none"> <li>(a) regulate, supervise and monitor the conduct of all regulated electricity activities within the Niger State Electricity Market;</li> <li>(b) grant, renew, modify, suspend or revoke licences, permits and authorisations for regulated activities in accordance with this Bill and the Electricity Act, 2023;</li> </ul>	Functions of the Commission

<ul style="list-style-type: none"> <li>(c) establish, monitor and enforce technical, safety, reliability, service quality and performance standards applicable to licensees and other market participants;</li> <li>(d) approve, review and enforce tariffs, charges and tariff methodologies applicable to regulated electricity activities;</li> <li>(e) monitor market conduct and prevent abuse of market power, anti-competitive practices and discriminatory behaviour within the Niger State Electricity Market;</li> <li>(f) protect the interests of electricity consumers, including by: <ul style="list-style-type: none"> <li>(i) setting and enforcing consumer service standards;</li> <li>(ii) establishing complaint-handling and dispute-resolution procedures; and</li> <li>(iii) ensuring transparency in billing, metering and service delivery;</li> </ul> </li> <li>(g) resolve disputes and complaints between licensees, market participants and consumers in accordance with procedures prescribed by regulations and subject to the right of appeal under this Bill;</li> <li>(h) develop, issue and enforce regulations, codes, guidelines and orders necessary for the effective implementation of this Bill;</li> <li>(i) collect, analyse and maintain electricity sector data for regulatory purposes, and publish such information as may be required for transparency, subject to confidentiality and data-protection safeguards;</li> <li>(j) approve and oversee the implementation of Market Rules and other market governance instruments;</li> <li>(k) advise the Ministry and other relevant State institutions on the regulatory implications of electricity sector policies, plans and programmes;</li> <li>(l) cooperate and exchange information with the Nigerian Electricity Regulatory Commission, other State electricity regulators and relevant federal and State agencies for the purpose of coordination, harmonisation of standards and avoidance of jurisdictional conflicts, in accordance with the Electricity Act, 2023;</li> </ul>	
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<ul style="list-style-type: none"> <li>(m) conduct inspections, audits, investigations and inquiries into the activities of licensees and market participants, in accordance with due process and procedures prescribed by regulations;</li> <li>(n) issue compliance directives and apply administrative sanctions or corrective measures for breach of this Bill, licence conditions or regulatory instruments, subject to procedural fairness and the right of appeal;</li> <li>(o) undertake or facilitate training, research and capacity-building activities necessary for the effective performance of its regulatory functions; and</li> <li>(p) perform such other functions as are incidental or necessary to give effect to the provisions of this Bill.</li> </ul>	
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<p><b>8.</b> (1) The Commission shall have the power to do all such acts and things as are necessary or expedient for the proper and effective performance of its functions under this Bill, subject to the principles of legality, proportionality, transparency and due process.</p> <p>(2) Without prejudice to the generality of subsection (1), the Commission shall have power to:</p> <ul style="list-style-type: none"> <li>(a) make regulations, rules, codes, guidelines and orders for the effective implementation of this Bill, following stakeholder consultation and publication as required under this Bill;</li> <li>(b) prescribe, monitor and enforce technical, safety, reliability, service quality and performance standards applicable to regulated electricity activities within the State;</li> <li>(c) issue, renew, amend, suspend or revoke licences, permits and authorisations in accordance with this Bill</li> <li>(d) approve, review and enforce tariffs, charges and tariff methodologies for regulated electricity activities;</li> <li>(e) conduct inspections, audits, investigations and inquiries into the activities of licensees and market participants, and for that purpose require the production of information, records and data reasonably necessary for regulatory purposes;</li> </ul>	<p><b>Powers of the Commission</b></p>
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(f) enter premises, facilities or installations of licensees at reasonable times, upon prior notice, except in cases of emergency affecting public safety or system security;

(g) require licensees and market participants to submit periodic reports and information in such form and manner as may be prescribed by regulations, subject to confidentiality protections;

(h) issue compliance directives, remedial orders and corrective measures to address contraventions of this Bill, licence conditions, regulations or orders of the Commission;

(i) impose administrative sanctions or penalties that are proportionate to the nature and gravity of the contravention, and in accordance with procedures prescribed by regulations;

(j) where necessary to protect consumers or system integrity, order temporary measures to ensure continuity of electricity supply, provided that such measures are proportionate and time-bound;

(3) The Commission shall not suspend or revoke a licence unless:

- the licensee has been given written notice of the alleged contravention;
- the licensee has been afforded a reasonable opportunity to be heard;
- the decision is reasoned and in writing; and
- the action is proportionate to the contravention.

(4) In exercising its powers under subsection (3), the Commission shall have regard to

- the impact on consumers and electricity supply
- the financial viability of the licensee; and
- the stability of the Niger State Electricity Market.

(5) In cases of immediate threat to public safety, system security or continuity of electricity supply, the Commission may take temporary emergency measures without prior hearing, provided that:

- such measures are strictly necessary and proportionate;
- the affected licensee is notified as soon as practicable; and

<p>(c) the licensee is afforded a right to make representations within a reasonable time after the action is taken.</p> <p>(6) Any person aggrieved by a decision, order or directive of the Commission under this section shall have the right of appeal in accordance with the appeal and dispute-resolution provisions of this Bill.</p>	
<p><b>9.</b> (1) The Commission may, for the purpose of giving effect to the provisions of this Bill, make regulations of general application relating to matters within its regulatory jurisdiction.</p> <p>(2) Regulations made under this section shall be:</p> <p>(a) consistent with this Bill and the Electricity Act, 2023;</p> <p>(b) limited to intrastate electricity activities within Niger State; and</p> <p>(c) made in accordance with the procedures set out in this Bill.</p> <p>(3) Without limiting the generality of subsection (1), regulations made under this section may provide for:</p> <p>(a) procedures, criteria and documentation for applications, grant, renewal, modification, suspension and revocation of licences, permits and authorisations;</p> <p>(b) technical, safety, reliability, service quality and performance standards applicable to regulated electricity activities within the State;</p> <p>(c) tariff methodologies, tariff structures, charges and related commercial frameworks, in accordance with this Bill;</p> <p>(d) duties, rights and obligations of licensees, market participants and electricity consumers;</p> <p>(e) standards of performance and service obligations applicable to licensees;</p> <p>(f) procedures for inspections, audits, investigations and compliance monitoring, limited to matters within the Commission's jurisdiction;</p> <p>(g) market conduct, competition monitoring and mitigation of market power abuses, in coordination with relevant competition authorities;</p> <p>(h) consumer protection matters, including billing, metering, complaint handling, connection and disconnection procedures;</p>	Power to make Regulations

- (i) information and reporting requirements, including the form, frequency and manner of submission of data to the Commission, subject to confidentiality protections;
- (j) certification or qualification frameworks for energy service providers, to the extent not reserved to federal authorities;
- (k) procedures for stakeholder consultations, hearings, and dispute resolution under this Bill;
- (l) the administration, governance and internal procedures of the Commission; and
- (m) any other matter necessary or incidental to the effective implementation of this Bill.

(4) Prior to making any regulation under this section, the Commission shall:

- (a) publish the proposed regulation in such manner as it considers appropriate, including on its official website;
- (b) invite written representations from licensees, market participants, consumer groups, relevant Ministries, Departments and Agencies and other stakeholders; and
- (c) consider all representations received within the period specified by the Commission.

(5) Notwithstanding subsection (4), the Commission may issue an interim regulation without prior consultation where:

- (a) there is an urgent need to protect public safety, system security or consumer interests; and
- (b) delay would materially prejudice the effective functioning of the Niger State Electricity Market.

Provided that such interim regulation shall be subjected to stakeholder consultation within a reasonable period after its issuance.

(6) All regulations made under this section shall:

- (a) be published in the Niger State Gazette; and
- (b) take effect on the date specified in the regulation or, where no date is specified, on the date of publication.

<p>(7) Regulations made under this section may prescribe fees, charges or levies payable by licensees or market participants, provided that:</p> <ul style="list-style-type: none"> <li>(a) such levies shall not exceed one and one-half per cent (1.5%) of the annual income of the relevant licensee;</li> <li>(b) the basis for calculation of any levy shall be clearly specified; and</li> <li>(c) proceeds of such levies shall be applied solely for purposes authorised under this Bill.</li> </ul> <p>(8) Administrative penalties prescribed under regulations shall be</p> <ul style="list-style-type: none"> <li>(a) proportionate to the nature and gravity of the contravention;</li> <li>(b) subject to procedural fairness and the right of appeal; and</li> <li>(c) imposed in accordance with clear and published criteria.</li> </ul>	
<p><b>10.</b> (1) The Commission shall be accountable for the performance of its functions under this Bill through statutory reporting, financial accountability and legislative oversight, and not through executive direction in respect of regulatory decisions.</p> <p>(2) The Commission shall, not later than six months after the end of each financial year, submit to the Governor and the House of Assembly:</p> <ul style="list-style-type: none"> <li>(a) an annual report on its activities and performance; and</li> <li>(b) its audited financial statements.</li> </ul> <p>(3) The House of Assembly may, for the purpose of accountability and transparency, conduct oversight hearings in respect of the administration and financial management of the Commission.</p> <p>(4) Nothing in this section shall be construed as permitting the Governor, the State Executive Council, the Ministry or any other authority to:</p> <ul style="list-style-type: none"> <li>(a) direct or influence the Commission in respect of tariffs, licensing, enforcement, investigations or dispute resolution;</li> <li>(b) interfere with the independent exercise of the Commission's regulatory powers under this Bill.</li> </ul>	Accountability And Reporting of the Commission

<p><b>11.</b> (1) The Commission shall consist of:</p> <p>(a) a Chairperson, who shall be a person of proven integrity and relevant professional experience; and</p> <p>(b) not fewer than four (4) and not more than six (6) other Commissioners, with relevant qualifications and experience in electricity regulation, law, engineering, economics, finance, energy policy or related disciplines.</p> <p>(2) The Chairperson and other Commissioners shall be appointed by the Governor subject to confirmation by the House of Assembly.</p> <p>(3) Such number of Commissioners as may be prescribed shall serve on a full-time basis, while the remaining Commissioners shall serve on a part-time, non-executive basis.</p>	Composition of the Commission
<p><b>12.</b> (1) A Commissioner shall hold office for a single term of five (5) years, renewable once only.</p> <p>(2) Appointments to the Commission shall, as far as practicable, be staggered to ensure continuity and institutional stability.</p>	Tenure of Office of Commissioners
<p><b>13.</b> (1) A person shall not qualify for appointment as a Commissioner if that person:</p> <p>(a) is not a Nigerian citizen;</p> <p>(b) is above sixty-five (65) years of age at the time of appointment;</p> <p>(c) is incapacitated by reason of ill health; or</p> <p>(d) has been convicted of an offence involving financial misconduct by a court of competent jurisdiction.</p> <p>(e) has a financial interest in any business connected with generation, transmission, system operation, distribution, supply or trading of electricity in Niger State, 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 impartial discharge of his duties as a Commissioner, or unless the financial interest is terminated prior to the appointment taking effect.</p> <p>(2) A person shall not be appointed as a Commissioner if that person has any direct or indirect interest in a licensee or market participant regulated by the Commission</p>	Disqualification for appointment as Commissioner

	<p>(3) A person shall not be appointed as a Commissioner if that person has any direct or indirect interest in a licensee or market participant regulated by the Commission.</p> <p>(4) A Commissioner shall, upon appointment and annually thereafter, declare his or her assets and interests, in accordance with applicable laws.</p> <p>(5) A person who holds office as a Commissioner, and for a period of two (2) years after ceasing to be a Commissioner for any reason whatsoever, shall not acquire, hold or maintain, directly or indirectly, any interest, office, employment or consultancy arrangement, whether for remuneration or otherwise, connected with the generation, transmission, system operation, distribution, supply or trading of electricity in Niger State, or any activity connected with any such service or system.</p> <p>(6) Where a person to whom subsection (9) applies acquires any such interest involuntarily or by way of succession or testamentary disposition, that person shall divest himself or herself of such interest within three (3) months of the interest being acquired.</p>	
<b>14.</b>	A Commissioner may be removed from office by the Governor only for proven misconduct, incapacity or inability to perform the functions of office, and subject to confirmation by the House of Assembly.	Removal of Commissioner
<b>15.</b> (1)	<p>The office of a Commissioner shall become vacant if the Commissioner:</p> <p>(a) resigns his or her appointment by one months notice in writing addressed to the Governor;</p> <p>(b) ceases to hold office by reason of removal under this Bill;</p> <p>(c) becomes disqualified for appointment under subsection (2) of this section;</p> <p>(d) is unable to perform the functions of office by reason of physical or mental incapacity;</p> <p>(e) is absent from three consecutive meetings of the Commission without a reasonable excuse approved by the Commission; or</p> <p>(f) dies.</p>	Vacancies in the Commission

<p><b>16.</b> (1) Where a vacancy occurs in the office of a Commissioner before the expiration of the term of office, the Governor shall, within three (3) months, appoint a replacement Commissioner, subject to confirmation by the House of Assembly, in accordance with the provisions of this Bill.</p> <p>(2) A person appointed under subsection (1) shall hold office only for the unexpired portion of the term of the Commissioner whose office has become vacant.</p> <p>(3) Where the office of the Chairperson becomes vacant, the Governor shall appoint an Acting Chairperson from among the Commissioners for a period not exceeding three (3) months, pending the appointment of a substantive Chairperson.</p> <p>(4) The Vice-Chairman shall perform the Chairman's functions whenever the Chairman is absent or for any reason or unable to perform them.</p> <p>(5) An Acting Chairperson appointed under subsection (3) shall:</p> <ul style="list-style-type: none"> <li>(a) perform only such functions as are necessary for the continuity of the Commission's operations; and</li> <li>(b) not take any decision that materially alters the policy, structure or long-term regulatory position of the Commission, except where urgent and unavoidable.</li> </ul> <p>(6) The filling of a vacancy under this section shall not affect:</p> <ul style="list-style-type: none"> <li>(a) the validity of any prior act, proceeding or decision of the Commission; provided that the quorum requirements under this Bill are satisfied</li> <li>(b) the continuity of the Commission's regulatory functions.</li> </ul> <p>(7) Nothing in this section shall be construed as permitting the extension of the maximum tenure of any person as Commissioner or Chairperson beyond the limits prescribed under this Bill.</p>	<p>Filling of vacancies in the Commission</p>
<p><b>17.</b> (1) The remuneration, allowances and other benefits of the Chairman, Commissioners and staff of the Commission shall be determined by the Commission and included in its annual budget for approval by the House of Assembly, consistent with the fiscal policy and financial regulations of the State.</p> <p>(2) The remuneration and allowances payable to the Commissioner under subsection (1) shall:</p> <ul style="list-style-type: none"> <li>(a) reflect the full-time or part-time status of the Commissioner;</li> </ul>	<p>Remuneration and expenses of the Commission</p>

<p>(b) be sufficient to attract and retain persons of competence and integrity; and</p> <p>(c) not be altered to the disadvantage of a Commissioner during the tenure of office, except as part of a general variation applicable to all comparable public offices in the State.</p> <p>(3) A Commissioner shall be entitled to such sitting allowances, duty tour allowances and reimbursement of reasonable expenses as may be prescribed, incurred in the performance of official duties.</p> <p>(4) The remuneration and allowances payable to Commissioners and staff of the Commission shall be charged on the funds of the Commission and included in its approved annual budget.</p> <p>(5) The Commission shall ensure that payments made under this section are transparent, auditable and compliant with applicable public finance and fiscal responsibility laws of Niger State.</p>	
<p><b>18.</b> (1) The Commissioners are under obligation to disclose the following facts to the Commission in the course of discharging their functions, if -</p> <p>(a) he or she acquires or holds a direct or indirect pecuniary interest in any matter that is under consideration by the Commission;</p> <p>(b) he or she 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 Commissioner;</p> <p>(c) he or she knows or has reason to believe that his or her relative has acquired or holds a direct or indirect pecuniary interest in any matter that is under consideration by the Commission;</p> <p>(d) his or her relative 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 Commissioner; or</p> <p>(e) for any reason, his private interests conflict with his functions as Commissioner.</p> <p>(2) Any disclosure made pursuant to subsection (1) of this section shall be made formally in writing and shall be recorded and entered into the official records of the Commission in such manner as may be prescribed.</p>	<p>Disclosure of certain connections and interests</p>

<p>(3) A Commissioner who has disclosed a conflicting interest under this section shall recuse himself or herself from any deliberation, consideration, or decision-making of the Commission relating to the relevant matter.</p>	
<p><b>19.</b> (1) The Commission shall meet for the conduct of business as often as is necessary or expedient and, subject to this section, may adjourn, close and otherwise regulate its meetings and procedure as it deems fit.</p> <p>(2) All decisions of the Commission shall be on the basis of majority of the members present and voting.</p> <p>(3) The quorum for meetings of the Commission shall be a majority of its members.</p> <p>(4) Decisions of the Commission shall be taken by majority vote, and in the event of an equality of votes, the Chairperson shall have a casting vote.</p> <p>(5) For a meeting of the Commission to review any previous decision or order taken by the Commission, the quorum shall not be less than the Commissioners present when the decision was taken or order was made.</p> <p>(6) Without derogation from subsection (1), the Commission may conduct its business by means of written resolutions signed by all the Commissioners, provided that, if any Commissioner requires that a matter be placed before all the Commissioners for discussion, this subsection shall not apply to such matter.</p>	<p>Meetings and procedures of the Commission</p>
<p><b>20.</b> (1) A decision or act of the Commission or act done under the direction of the Commission shall not be invalid on the ground that:</p> <p>(a) there existed a vacancy or vacancies among the Commissioners; or</p> <p>(b) there existed any defect in the appointment of a Commissioner at the time the decision was taken.</p> <p>(2) Where a Commissioner referred to in section 18 of this Law participates in the consideration of a matter in which his or her private interest conflicts with the proper discharge of his or her functions as a Commissioner, any decision or action taken in respect of that matter may be subsequently ratified by the remaining Commissioners who are not so conflicted, and the conflicted Commissioner shall not participate in such ratification.</p>	<p>No invalidity of decisions and acts of the Commission</p>
<p><b>21.</b> (1) The Commission shall have power to hold hearings on matters relating to-</p> <p>(a) issuance of licence;</p>	<p>Hearings of the Commission</p>

	<ul style="list-style-type: none"> <li>(b) any term or condition of a licence issued, or a refusal to specify a term or condition of a licence;</li> <li>(c) refusal to issue a licence;</li> <li>(d) any amendment of a license or refusal by the Commission to amend a licence;</li> <li>(e) the revocation of a licence;</li> <li>(f) the grant or refusal by the Commission to grant any approval or authority in line with this Law;</li> <li>(g) the outcome of any decision made by the Commission between parties;</li> <li>(h) a decision or review of the Commission with respect to prices or tariffs;</li> <li>(i) any other matter arising out of the decision of the Commission under this Law.</li> </ul> <p>(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 opportunity for making representations provided that such representations are intended to enrich the decision-making process of the Commission and afford the interested parties fair hearing in the matter.</p> <p>(3) The Commission shall have power to hold hearing or appeal on any matter under this Law or regulation made pursuant to it, which the Commission may consider to be of significant interest to the public.</p>	
<b>22.</b>	Subject to the Provisions of the Bill, The Commission may regulate its proceedings with respect to holding of meetings, giving of notices, keeping of minutes and custody or the production for inspection of minutes of meetings Commission.	Proceedings of the Commission
<b>23.</b>	<p>(1) The Commission shall, prior to issuing any proposed regulation, rule, guideline or amendment, consult with licensees, electricity consumers, market participants, `stakeholders and other persons or groups that the Commission may consider appropriate having regard to the matters being addressed.</p> <p>(2) The Commission shall publish the proposed regulations, rules, guidelines or amendments and relevant background materials or other</p>	Consultations with Stakeholders

<p>information on its website and take steps to promote participation in the consultation process, including by providing for electronic access for participants or other means not requiring physical attendance.</p> <p>(3) The proposed regulations published on the website shall not be binding until approved by the Niger State House of Assembly.</p>	
<p><b>24.</b> (1) Any decision, directive or order arising from the hearing or appeal of the Commission shall -</p> <p>(a) be in writing.</p> <p>(b) contain the basis and reasons for the decision, directive or order; and</p> <p>(c) be accessible to the public.</p> <p>(2) The decision, directives or orders given by the Commission, shall be under the seal of the Commission and signed by the Chief Executive Officer of the Commission.</p> <p>(3) All decisions, directives or orders made by the Commission in accordance with the provisions of this Law shall, unless the contrary is shown, be deemed to be made by the Commission and may be proved by the production of a signed copy.</p>	Decisions, Directives and Orders of the Commission.
<p><b>25.</b> (1) A person aggrieved by the decision of the hearing of the Commission may appeal to the Commission for the review of such decision, wholly or in part.</p> <p>(2) The Commission may reconsider, vary or rescind its decision in accordance with such procedures as the Commission may prescribe.</p> <p>(3) Appeals against the decisions, directives, or orders of the Commission shall lie to the High Court.</p>	Appeal on the Review of the Commission's Decision, Directive or Order.
<p><b>26.</b> (1) If a question of Bill arises from an order or decision of the Commission, the Commission may on its initiative or at the request of any person directly affected by such order or decision, reserve that question for the determination of the State High Court provided that where such an order or decision directly affects an agency of the Federal Government, such a question of Bill arising from such order or decision shall be reserved for the determination of the Federal High Court.</p> <p>\</p> <p>(2) Where a question of Bill has been reserved under subsection (1), the Commission shall state the question in form a special case and file it with the Registrar of the State High Court or Federal High Court as the case may be.</p>	Referral of Question of Bill to the Court
<p><b>27.</b> The Commission shall develop and issue a comprehensive Code of Ethics which shall apply to all Commissioners and staff of the Commission.</p>	Code of Ethics for the Commission

<p><b>28.</b> (1) The Commission shall appoint a Secretary who shall be a legal practitioner qualified to practice Law in Nigeria with at least ten (10) years post-call experience, by way of direct employment or transfer of service or secondment from the public service of the State or Federation.</p> <p>(2) The Secretary of the Commission shall</p> <ul style="list-style-type: none"> <li>(a) act as the legal adviser to the Commission;</li> <li>(b) arrange and attend meetings of the Commission and keep minutes, records and the common seal of the Commission;</li> <li>(c) convey decisions of the Commission to other members of the Commission; and</li> <li>(d) discharge such other administrative and other secretarial duties as the Commission may assign.</li> </ul>	<p>Appointment of Secretary of the Commission</p>
<p><b>29.</b> (1) The Commission may appoint such other persons as its staff or its officers for the better performance of its functions, by way of direct employment or by transfer of service or secondment with the collaboration of the Civil Service Commission or Head of Service of the State, as the case may be.</p> <p>(2) The terms and conditions of service, including remuneration, allowances and pension benefits, of the staff of the Commission shall be as determined by the Commission and included in its annual budget approved by the House of Assembly, consistent with the State's fiscal policy and appropriation laws.</p> <p>(3) The Commission may assign to its staff such functions of the Commission as the Commission may deem fit.</p> <p>(4) Any assignment of functions under subsection (3) may be made either generally or specifically and subject to such reservations, restrictions and exceptions as the Commission may determine, and may be revoked by the Commission at any time.</p> <p>(5) The provisions of the Pension Reform Law shall be applicable to the officers, staff or employees of the Commission.</p> <p>(6) Without prejudice to subsection (5), the Commission may appoint a person to an office on terms that preclude the grant of pension or other retirement benefits in respect of that office.</p>	<p>Staff of the Commission</p>
<p><b>30.</b> Whenever 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 on it.</p>	<p>Commission to consult experts on technical questions</p>

<p><b>31.</b> (1) The Commission shall establish, maintain and control a fund referred to in this Law as “the Fund of the Commission”) from which all expenditures incurred by the Commission shall be defrayed.</p> <p>(2) There shall be paid and credited into the Fund of the Commission:</p> <ul style="list-style-type: none"> <li>a. the initial take-off grant made available to the Commission by the Niger State Government;</li> <li>b. all fees, levies and charges chargeable by the Commission for licences, permits, authorizations, certification, testing, inspection or any service provided by the Commission in the exercise of its functions under this Law, excluding any fines or penalties imposed and collected pursuant to this Law or regulations made by the Commission which shall be paid into the Electrification Fund;</li> <li>c. all sums of money accruing to the Commission by way of grants-in-aids, gifts, testamentary dispositions, endowments and contributions from any other source provided that the condition for such grants are not inconsistent with the objectives, functions, duties and responsibilities of the Commission under this Law;</li> <li>d. fees charged for the investigation into, and resolution of all disputes brought before the Commission; and</li> <li>e. all other monetary assets that may from time to time accrue to the Commission.</li> <li>f. 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.</li> </ul> <p>(3) The Commission shall manage its fund in furtherance of its objectives and functions under this Law and in line with financial policies of the State.</p>	Funds of the Commission
<p><b>32.</b> (1) The Commission shall apply its fund –</p> <ul style="list-style-type: none"> <li>(a) to meet the administrative and operating costs of the Commission;</li> <li>(b) for the payment of salaries, fees, remuneration, allowances, pensions and other retirement benefits payable to the members and the staff of the Commission, as the case may be;</li> </ul>	Application of the funds of the Commission

<p>(c) for the purchase or acquisition of property, equipment and other capital expenditure and for maintenance of any property acquired or vested in the Commission; and</p> <p>(d) for or in connection with all or any of the functions of the Commission under this Law or regulations made pursuant to this Law.</p> <p>(2) The total amount in excess of the Commission's revenue for any year over the approved expenditure for that year shall be paid by the Commission into the Consolidated Revenue Fund and a percentage as stipulated by Regulations, to be paid directly into the Electrification Fund established under this Law.</p>	
<p><b>33.</b> (1) The Commission shall, not later than 30th September in each financial year, prepare and present to the Governor and the House of Assembly for approval, a budget showing the estimated revenue and expenditure for the following financial year consistent with the State's fiscal policy and appropriation laws.</p> <p>(2) Notwithstanding the provisions of subsection <b>Error! Reference source not found.</b> of this section, the Commission may also, in any financial year, prepare and present to the Governor and the House of Assembly for approval, supplementary or adjusted statements of estimated income and expenditure.</p> <p>(3) A supplementary budget shall be deemed to form part of the annual budget of the Commission for the financial year to which it relates.</p> <p>(4) The Commission may vary a budget prepared under this section, provided that no variation may be made which has the effect of increasing the total amount of expenditure provided for in the budget.</p>	Budget of the Commission
<p><b>34.</b> The financial year of the Commission shall be the period of twelve months commencing from 1st January and ending 31st December in each year.</p>	Financial year of the Commission
<p><b>35.</b> (1) The Commission shall keep or cause to be kept proper books of accounts and other relevant records of incomes, liabilities, expenditure, assets, undertakings, funds, activities, contracts, transactions and other business of the Commission in such a form as may be prescribed in accordance with the extant financial policies, regulations and guidelines of the State.</p> <p>(2) The books of accounts prepared pursuant to subsection (1), shall not later than three months after the end of the financial year, be submitted to the Auditor General of the State and the State House of Assembly.</p>	Accounts of the Commission
<p><b>36.</b> (1) The accounts kept by the Commission shall be audited by an auditor appointed by the Commission in accordance with the guidelines for the appointment of auditors issued by the Auditor-General of the State.</p>	Auditors of the Records of the Commission

<p>(2) The auditor shall be entitled at all reasonable times, to require to be produced to him all accounts and other records relating to such accounts which are kept by the Commission or its agents and to require from any Commissioner, staff or agent of the Commission, such information and explanations as in the auditor's opinion are necessary for the purposes of their audit.</p> <p>(3) The Commission shall within one month of receiving the auditor's report, publish same on its website.</p>	
<p><b>37.</b> (1) The Commission shall through the Ministry responsible for power and energy, present an annual report on all its activities to the Governor and the State House of Assembly, not later than one hundred and twenty (120) days after the end of each financial year and shall include the Commission's audited accounts for the year under review together with the Auditor's report.</p> <p>(2) In addition to the report to be provided under subsection (1) of this section, the Commission shall prepare and submit such other reports as the Commissioner of the Ministry responsible for power and energy may require.</p>	Report of the Commission
<p><b>38.</b> (1) The Commission shall monitor all significant matters relating to the performance of all licensees and other market participants in the Niger State Electricity Market and shall publish a report titled "The Niger State Electricity Market Report" not later than 30th April of each financial year.</p> <p>(2) Matters upon which the Commission shall report in the Niger State Electricity Market Report shall include</p> <ul style="list-style-type: none"> <li>(a) the operation and administration of this Law and any regulations made pursuant to it;</li> <li>(b) the efficiency with which licensees and other market participants provide services to electricity consumers in the State;</li> <li>(c) the implementation of the State Renewable Energy, Energy Efficiency and Demand Side Management Strategy and Action Plan;</li> <li>(d) any deficiencies in the scope, effectiveness or operation of this Law and its regulations;</li> <li>(e) the extent to which the Niger State Electricity Market has operated or developed in accordance with the Niger State Electricity Policy and Strategic Implementation Plan;</li> <li>(f) electricity market operations, performance monitoring, key performance indicator surveillance data and conclusions arising therefrom; and</li> </ul>	Niger State Electricity Market Report

	<p>(g) such other relevant matters as the Commission may, in its discretion, consider necessary or desirable.</p> <p>(3) In performing its functions under subsection (1) of this section, the Commission shall have regard to such electricity industry performance indicators, benchmarks and reporting guidelines as may be established for the Niger State Electricity Market under this Law or any regulations made pursuant to it.</p> <p>(4) In preparing the Niger State Electricity Market Report, all licensees and other market participants shall be obliged to deliver to the Commission all data and information required to be kept under this Law, regulations made pursuant to it, or as may be reasonably required by the Commission for the purposes of the Report.</p> <p>(5) The Commission shall treat all commercially sensitive data and information with strict confidentiality. Where a licensee or market participant considers that any data or information supplied would, if published, adversely affect its commercial interests, such data or information shall be submitted separately and clearly marked "Commercially Sensitive", together with reasons for such designation. The final determination as to whether such information is commercially sensitive shall rest with the Commission.</p> <p>(6) The Commission shall publish the Niger State Electricity Market Report on its official website and may take such further steps as it considers appropriate to ensure public access to the Report.</p>	
<b>39.</b>	Any Agreement, contract or instrument approved by the Commission may be entered into or executed on behalf of the Commission by any persons generally or specially authorised by the Commission for that purpose.	Execution of contracts and instruments by the Commission
<b>PART III – THE NIGER STATE ELECTRICITY MARKET</b>		
<b>40.</b>	<p>(1) The State Government through the Ministry responsible for power and energy shall within six months from the commencement of this Bill, initiate the process for the preparation and publication in the Niger State Government Gazette, the Niger State Electricity Policy and Strategic Implementation Plan in consultation with the Commission and the Niger ISO, relevant authorities and other stakeholders to guide the overall development of the electricity sector in the State.</p> <p>(2) The Niger State Electricity Policy and Strategic Implementation Plan shall address the following matters among other things as are necessary to ensure orderly establishment and growth of the Niger State Electricity Market and to meet future electricity demand in the State –</p> <p>(a) the structure of the Market;</p> <p>(b) development of Niger State Electricity Market based on optimal utilisation of power generation resources such as fossil fuels, nuclear substances and materials as well as renewable energy source;</p>	Niger State Electricity Policy and Strategic Implementation Plan

	<p>(c) prioritising resources that are available in the State whilst accommodating out of State, including national grid-based resources where optimal;</p> <p>(d) supply and demand side resources, their potential means of deployment, the constraints to such deployment and their financial, economic and environmental impact in relation to meeting projected electricity needs;</p> <p>(e) the arrangements, including public-private partnerships, to ensure continuing security and reliability of supply, and affordability in the Niger State Electricity Market;</p> <p>(f) decarbonisation of the Market and the promotion of renewable and sustainable sources for electricity generation;</p> <p>(g) measures relating to energy efficiency and demand side management;</p> <p>(h) deployment of innovative and emerging technologies;</p> <p>(i) overall development of the electricity value chain in the State, with emphasis on alignment of expansion of generation, transmission, distribution and supply infrastructure to ensure reliability of supply and minimise losses; and</p> <p>(j) such other matters as may be necessary to ensure an orderly system for managing the procurement and deployment of a viable and sustainable electricity system for the State and such other areas as the Government decides requires clear policy direction bearing in mind changes and new developments in the Niger State Electricity Market as well as the global and national electricity markets.</p> <p>(3) The Niger State Electricity Policy and Strategic Implementation Plan adopted under subsections (1) and (2), shall be approved by the State Executive Council.</p>	
<b>41.</b>	<p>(1) The Niger State Electricity Policy and Strategic Implementation Plan approved by the State Executive Council (in this Bill referred to as SEC), under section 39 (3) of this Bill, shall be reviewed or revised as required, but shall be subject to a comprehensive review every five (5) years following the publication of the first edition.</p> <p>(2) The Niger State Electricity Policy and Strategic Implementation Plan or the revised version referred to under section 40 of this Bill and subsection (1) respectively, shall be initiated, formulated, deliberated upon and adopted by the Ministry responsible for power and energy after consultation with the Commission and the Niger ISO in accordance with the provisions of this Bill and same shall be approved by SEC before final publication in the Niger State Government Gazette for implementation.</p>	Periodic review of the Niger State Electricity Policy and Strategic Implementation Plan

<p>(3) The Niger State Electricity Policy and Strategic Implementation Plan and any revision shall be published on the website of the Ministry, the Commission and the Niger ISO.</p>	
<p><b>42.</b> (1) The Ministry shall be responsible for administering and monitoring the overall revision, management and implementation of the Niger State Electricity Policy and Strategic Implementation Plan in accordance with section 4 (2) of this Bill.</p> <p>(2) The Ministry shall provide an annual report to the Governor, setting out the steps that have been taken to implement the Niger State Electricity Policy and Strategic Implementation Plan, progress made and such other matters as may be required by the Governor or as the Ministry considers advisable.</p>	<p>Implementation and Monitoring of the Niger State Electricity Policy and Strategic Implementation Plan.</p>
<p><b>43.</b> There shall be for the operation and licensees of electricity supply, a body to be known as the Niger Independent System Operator (referred to as the Niger ISO).</p>	<p>Establishment of Niger ISO</p>
<p><b>44.</b> (1) The Ministry shall not later than eighteen (18) months after the commencement of this Bill or such later time, or stage of the State Electricity Market as the Commissioner responsible for power and energy may specify, and after consultations with the Commission and relevant stakeholders, take such necessary steps to incorporate the Niger State Independent System Operator (hereinafter referred to as the Niger State ISO) as a company limited by guarantee.</p> <p>(2) Upon its incorporation as a company limited by guarantee, the Commission shall grant a licence to the Niger State ISO for its operation in accordance with the provisions of this Bill and any licensing regulations made by the Commission.</p> <p>(3) The Ministry, in consultation with the Commission and relevant stakeholders, shall determine –</p> <ul style="list-style-type: none"> <li>(a) the initial funding and assets of the Niger State ISO;</li> <li>(b) the persons or class of persons qualified to be initial members of the Niger State ISO;</li> <li>(c) the composition of and the procedure for nominating the initial members of the governing body of the Niger State ISO; or</li> <li>(d) any ancillary, administrative or procedural matter that is necessary for the proper implementation and administration of the Niger State ISO.</li> </ul> <p>(4) In the event of any inconsistency between the constitutional documents establishing and governing the management of the Niger State ISO and this Bill or any applicable regulations, rules or guidelines issued by the Commission, this Bill or such regulations, rules or guidelines shall prevail to the extent of such inconsistency.</p>	<p>Formation and Structure of the Niger ISO.</p>

<p>(5) Prior to the establishment and commencement of operations by the Niger State ISO or during the transitional period, the Commission shall put in place or agree such arrangements in connection with the performance of system operation activities in the Market, including the establishment of a unit within the Commission which shall have the responsibility of performing system operation activities in the Market in accordance with the provisions of this Bill.</p> <p>(6) In the establishment, operation and functioning of the Niger State ISO, the Ministry shall ensure that –</p> <ul style="list-style-type: none"> <li>(a) the Niger State ISO is structured as a not-for-profit entity owned by qualified licensed entities in the Niger State Electricity Market on a mutualized and non- discriminatory basis and financially independent of all market participants, capital providers and other stakeholders in the Niger State Electricity Market and other electricity markets in Nigeria;</li> <li>(b) any profit made by the Niger State ISO is not distributed to its members but utilised by the Niger State ISO for the purpose of carrying out its objects;</li> <li>(c) no single member or group of members dominate or influence the administration and operational decisions of the Niger State ISO; and</li> <li>(d) the Niger State ISO is independent in carrying out its objects, activities and functions, and in the exercise of its powers.</li> </ul>	
<p><b>45.</b> (1) Subject to such terms and conditions as the Commission may prescribe in the system operation licence issued to the Niger State ISO pursuant to this Bill and any regulations made under it, the system operation licence shall authorise the Niger State ISO to carry out the following activities with the sole objective of ensuring and maintaining reliability of supply in the Niger State Electricity Market -</p> <ul style="list-style-type: none"> <li>(a) generation scheduling, commitment and dispatch;</li> <li>(b) transmission scheduling;</li> <li>(c) generation outage co-ordination;</li> <li>(d) transmission and distribution congestion management;</li> <li>(e) real time operational support for the monitoring conditions of the State grid;</li> <li>(f) local resource scheduling to manage all aspects of the use of distributed generation and flexible loads, within a power supply portfolio;</li> <li>(g) procurement and scheduling of ancillary services;</li> </ul>	Function of The Niger ISO

	<ul style="list-style-type: none"> <li>(h) administration of the wholesale electricity market in the State, including its trading and settlements systems;</li> <li>(i) carry out the responsibilities placed on the Niger State ISO in respect of the Niger State Electricity Policy and Strategic Implementation Plan;</li> <li>(j) manage the connection of the State grid with the national grid or the electricity system of any other State;</li> <li>(k) determine the time when the Niger State ISO's system operation activities in relation to the distribution systems of the State grid, shall commence;</li> <li>(l) conduct such other activities as may be required to direct the reliable and efficient operation of the State grid;</li> <li>(m) carry out any other functions that may be prescribed under the Market Rules, this Bill or any regulation made by the Commission.</li> </ul>	
<b>46.</b>	<ul style="list-style-type: none"> <li>(1) Niger State ISO shall be responsible for the development and modification of the Market Rules for the safe, reliable and efficient operation of the State electricity system, governing the activities of and relationships between licensees and market participants, and for the establishment and governance of markets related to electricity and ancillary services.</li> <li>(2) The Niger State ISO shall ensure that the Market Rules made or modified are published in such manner as will ensure adequate publicity, including by publication on its website.</li> <li>(3) The Market Rules developed and/or modified by the Niger State ISO, shall be subject to the prior review and approval of the Commission.</li> <li>(4) The Market Rules and any modification thereof shall have the effect of a contract between each licensee/market participant and the Niger State ISO pursuant to which each licensee/market participant and the Niger State ISO respectively agree to perform and observe the terms and conditions of the Market Rules.</li> </ul>	Market Rules
<b>47.</b>	<ul style="list-style-type: none"> <li>(1) Operation by licensees in the Niger State Electricity Market shall be by binding and enforceable contracts, and any person licensed under any category of electricity services in the State, shall enter into such contracts as are required with any other licensee under another category, for the sale, purchase or transmission of some or all of the services provided by the licensee.</li> <li>(2) All contracts shall be in writing and filed with the Commission before they become commercially effective and enforceable.</li> </ul>	Market contracts

<p>(3) The Commission shall not have the power alter, amend or in any way constrain the performance of a contract duly negotiated and concluded in accordance with this Bill.</p>	
<p><b>48.</b> (1) Subject to section 105 of the Federal Competition and Consumer Protection Act, the Commission shall have the responsibility to consider in respect of services in competitive markets, the prevention or mitigation of abuses of market power which includes market concentration, in its decisions and orders regarding matters such as licence applications and the grant of licenses; license terms and conditions, the setting of prices and tariffs and whether or not to approve a merger, acquisition or affiliation.</p> <p>(2) In discharging its ongoing responsibility to monitor the Niger State Electricity Market and its activities to determine whether there is, or may be an abuse of market power, the Commission shall be entitled to –</p> <p>(a) Require information from licensees;</p> <p>(b) Undertake inquiries; and</p> <p>(c) Establish or contract with independent entity to provide monitoring services.</p> <p>(3) In the event that the Commission determines that there is an abuse of market power, it may –</p> <p>(a) Issue cease orders as may be required; and</p> <p>(b) Levy fines to such an amount it may consider appropriate.</p>	Competition and Market Power
<b>PART IV - LICENSING</b>	
<p><b>49.</b> (1) The Commission shall be solely responsible for licensing all operators and activities in the Niger State Electricity Market.</p> <p>(2) The Commission may by regulations provide for all licensing matters, including the application, grant, duration, geographical scope, renewal, amendment, transfer, assignment, cession, suspension, cancellation, withdrawal or refusal and other special terms relating to State electrification, that may apply to an operator licence issued under this Bill.</p> <p>(3) The Commission shall make the regulations required in subsection (2) of this section in such a manner as to impose minimal costs on applicants and licensees in terms of time, compliance and reporting requirements, and ease the entry into commercial operations of all licensees.</p>	Commission Solely Responsible for Licensing
<p><b>50.</b> (1) No person shall construct, own or operate any undertaking in the State, or in any way engage in the business of electricity generation, transmission, system operation, distribution, trading and supply of electricity or the provision</p>	Electricity Market Operators to be licensed

of such other activities or services relating to supply of electricity, except in accordance with a licence granted by the Commission pursuant to this Bill or regulation made under it or exempted under any Part of this Bill.

- (2) Any person carrying on regulated activities or operating an undertaking in Niger State prior to the commencement of this Bill, shall take steps to apply to the Commission for a licence within three (3) months of the coming into effect of this Bill.
- (3) Where a person is uncertain as to whether he is engaging, or is about to engage in an undertaking or activity for which a licence is required under this Bill, the person shall seek clarification and clearance from the Commission.
- (4) Notwithstanding the provisions of subsection (1), a person may without licence, construct, own or operate an electricity generation undertaking with an aggregate capacity between 0 and 100kW at a site, or electricity distribution undertaking with aggregate capacity between 0 and 50kW at a site or operate any such other capacity as the Commission may determine from time to time.
- (5) If any term or condition of an exemption granted pursuant to subsection (4) is not complied with by any person, the Commission may direct that the subject exemption be revoked, and the process set out in this Bill shall apply.
- (6) In carrying out its duties under this Part, the Commission may-
  - (a) inquire into whether a person is engaging in or is about to engage in a business for which a licence is required;
  - (b) direct any person who contravenes the provisions of this section to cease operations; and
  - (c) apply to Court for an order, including –
    - (i) temporary confiscation of the undertaking of the contravening person;
    - (ii) disconnection of the facilities of the contravening person;
    - (iii) directing the contravening person to apply for the relevant licence on such terms and conditions as the conditions for granting such licence may specify; and
    - (iv) directing the contravening person to take other steps as may be necessary to prevent the continuation or recurrence of the contravention.

<p>(7) Without prejudice to subsection (5) of this section, any person who contravenes the provision of subsection (1), commits an offence and is liable on conviction to a fine not less than Ten Million Naira (N10,000,000.00) and a daily fine of up to Fifty Thousand Naira (N50,000.00) for continuous daily contravention.</p> <p>(8) It shall not be a defence to the offence set out in this section that the person holds a licence issued by any other body to undertake the relevant regulated activity</p>	
<p><b>51.</b> (1) Subject to such terms and conditions as the Commission may specify in the licence and compliance with the provisions of this Bill and any regulations made hereunder, a generation licence may authorise the holder to -</p> <p>(a) construct, own, operate and maintain a generating station for the purposes of the generation and provision of electricity within the State and as specified in the licence;</p> <p>(b) sell electricity or provide ancillary services within the State and as specified in the licence; and</p> <p>(c) where applicable, connect to a transmission system, distribution system or any electricity system for dispatch within the State, notwithstanding that such transmission system or distribution system is owned and operated by a person licensed by any other regulatory agency.</p>	Generation License
<p><b>52.</b> (1) A person or entity who owns a captive generation plant in excess of 100Kw shall require a permit for that purpose from the Commission.</p> <p>(2) The Commission shall, by regulations, prescribe</p> <p>(a) the procedure, form and conditions for the grant, renewal, suspension or revocation of a captive generation permit;</p> <p>(b) technical, safety, environmental and grid-interface standards applicable to captive generation facilities;</p> <p>(c) reporting and data submission obligations of permit holders;</p> <p>(d) conditions under which surplus electricity, if any, may be evacuated, injected into a distribution system or otherwise utilised; and</p> <p>(e) any other matter necessary for the effective regulation of captive generation in the Niger State Electricity Market."</p>	Captive Power Generation
<p><b>53.</b> (1) Subject to such terms and conditions as the Commission may stipulate in the licence, an embedded electricity generation licence shall authorise an applicant to construct, own, operate and maintain connected facilities for the embedded generation of electricity 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 its licence.</p>	Embedded Electricity Generation License

<p>(2) The embedded generator and a distribution licensee shall enter into various agreements such as, but not limited to, Power Purchase Agreement, Connection Agreement/interface Agreement, Use of Networks Agreement, and Ancillary Services Agreement.</p> <p>(3) A distribution licensee and the embedded generator may in their Power Purchase Agreement, determine the charges, and any relevant security for such charges, that shall be paid by the distribution licensee to the embedded generator for such capacity and energy that is made available to the distribution licence.</p> <p>(4) All distribution licensees shall be responsible for distribution planning including:</p> <ul style="list-style-type: none"> <li>(a) forecasting the future demand on its distribution system;</li> <li>(b) analysing the impact of the connection of new facilities such as generation unit(s), loads, distribution lines, or substations;</li> <li>(c) planning the expansion of the distribution system to ensure its adequacy to meet forecast demand and the connection of new facilities;</li> <li>(d) identifying and correcting problems on quality of supply, power quality and system losses in distribution system; and</li> <li>(e) distribution planning and system studies.</li> </ul> <p>(5) The distribution licensee shall ensure that the embedded generator is appropriately informed with respect to the maximum capacity of the networks, most suitable location to ensure reliability and minimal loss factor and other critical factors such as load balance.</p>	
<p><b>54</b> (1) Subject to such terms and conditions as the Commission may specify in the licence and compliance with the provisions of this Bill or any regulations made hereunder, a transmission licence may authorise the holder to –</p> <ul style="list-style-type: none"> <li>(a) construct, own, operate and maintain a transmission system within the State; and</li> <li>(b) connect its transmission system to another transmission system or a distribution system or any electricity system within the State grid or to the national grid or the grid of any other State as specified in the licence.</li> </ul> <p>(2) The grant of a transmission licence shall not limit the power of the Commission to grant a licence of similar purpose to another person</p>	Transmission Licence

<p>provided that the Commission may grant exclusive transmission licence for all or part of the period of the transmission licence for a specific purpose or geographical area or both.</p>	
<p><b>55.</b> (1) Subject to such terms and conditions as the Commission may specify in the licence and compliance with the provisions of this Bill or any regulations made hereunder, a distribution licence may authorise the holder to –</p> <ul style="list-style-type: none"> <li>(a) construct, own, operate and maintain a distribution system within the State;</li> <li>(b) connect its distribution system to a transmission system, distribution system or any electricity system within the State as specified in the licence;</li> <li>(c) carry out installation, maintenance and reading of metres, billing and collection;</li> <li>(d) expand the distribution network in the licensed areas; and</li> <li>(e) such other distribution service as may be prescribed for the purposes of this section.</li> </ul> <p>(2) A distribution licensee may also have the obligation to provide electricity to its customers under the terms of a distribution license issued by the Commission to the distribution licensee.</p> <p>(3) The grant of a distribution licence shall not limit the power of the Commission to grant a licence of similar purpose to another person; provided that the Commission may grant exclusive distribution licence for all or part of the period of the distribution licence for a specific purpose or geographical area or both.</p> <p>(4) The Commission may grant Independent Electricity Distribution Network (IEDN) and Independent Electricity Distribution Network Operators (IEDNOs) licence to construct, own, operate, maintain or procure the construction and maintenance of IEDN within an area with no existing distribution system or where the existing distribution infrastructure owned by the distribution licensee is unable to meet the demands of such customers giving due regard to the IEDNO framework as may be approved by the Commission for this purpose.</p> <p>(5) Notwithstanding the provisions of subsection (1), the Commission may approve a distribution or supply franchising arrangement or any other commercial arrangement between the distribution or supply licensees and third parties within the respective distribution or supply licensees' operations and coverage areas in accordance with approved franchising terms, franchising models, tariffs as may be approved by the Commission: Provided that the franchisee shall not be deemed to hold a distribution or supply licence or sublicence, but shall operate under the terms of distribution and supply licensee's licence whichever</p>	Distribution License

<p>is applicable, with the distribution and supply licensees being ultimately responsible for quality distribution and supply of electricity in their respective licensed areas of operational coverage.</p>	
<p><b>56.</b> (1) Subject to such terms and conditions as the Commission may specify in the licence and compliance with the provisions of this Bill or any regulations made hereunder, a trading licence may authorise the holder to engage in bulk purchase of electricity from a generation licensee including a person licensed to generate electricity within the State by any other regulator, and resell such electricity to any distribution licensee or a bulk consumer.</p> <p>(2) All contracts for purchases of electrical power and ancillary services by the trading licensee shall be awarded according to an open, transparent and competitive manner, under a procedure established by the Commission unless the circumstances require otherwise and the Commission allows or requires an alternative method.</p>	Trading Licence
<p><b>57.</b> Subject to such terms and conditions as the Commission may stipulate in the licence, an integrated utility licence shall authorise an applicant to construct, own, operate and maintain connected facilities for the integrated generation, distribution and supply of electricity 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 its licence; but such a license shall not be issued with transmission or system operation rights of any kind.</p>	Integrated Utility Licence
<p><b>58.</b> (1) A mini-grid may be an isolated mini-grid or interconnected mini-grid.</p> <p>(2) The Commission may on request of a mini-grid developer grant a mini-grid permit to construct, own, operate and/or maintain an isolated mini-grid in a designated unserved area.</p> <p>(3) The Commission may on request of a mini-grid developer approve the appropriate contract, as agreed with the respective connected community and distribution licensee, to construct, operate and/or maintain an interconnected mini-grid in an underserved area within a geographic location.</p> <p>(4) A mini-grid developer applying for a mini-grid permit shall submit to the Commission, an accurate description of the proposed distribution and generation system, including geographical depiction.</p> <p>(5) For an isolated mini-grid, the Commission may grant a permit mentioned upon the fulfilment of the following conditions -</p> <p>(a) an application has been received by the Commission for the intended area;</p>	Mini-Grid Permit

- (b) confirmation that based on the distribution licensee's expansion plans approved by the Commission, the mini-grid activities will not interfere with the expansion plans into the designated unserved area;
- (c) written consent of the distribution licensee of the intended area where the proposed operational area of the mini-grid developer will be;
- (d) the intended geographic location is an unserved area which has not been assigned to an IEDNO or any other mini-grid developer;
- (e) submission of the executed agreement between the community and mini-grid developer for approval by the Commission;
- (f) all necessary land for construction and installation of all assets has been acquired or leased and all other necessary permits have been granted to the mini-grid developer; and
- (g) any other condition the Commission may specify in accordance with the provisions of this Bill and in any regulations made thereof.

(6) For an interconnected mini-grid, the connected community, the mini-grid developer and the distribution licensee have to sign a "Tripartite Contract" which becomes binding on all parties upon approval by the Commission. The Commission may approve the Tripartite Contract mentioned upon the fulfilment of the following conditions:

- (a) an application has been received by the Commission for the intended area;
- (b) the proposed retail tariff is calculated using the methodology agreed by the mini-grid developer, the distribution licensee and connected community and approved by the Commission;
- (c) The Mini-grid developer, the distribution licensee and the connected community have executed a Tripartite Contract which shall contain at the minimum the information below:
  - (i). the usage right for the distribution licensee's network infrastructure which shall become an interconnected mini-grid;
  - (ii). the construction and ownership right for additional infrastructure (if applicable);
  - (iii). the tariff for electricity generated by the mini-grid and fed into the distribution licensee's network (if applicable);
  - (iv). the tariff for the purchase of electricity from the distribution licensee's network (as applicable); and

<p>(v). the agreement of the connected community to purchase electricity from the Mini-grid for the tariffs defined.</p>	
<p><b>59.</b> (1) An application for a licence shall be made to the Commission in such form and manner, and shall contain, or be accompanied by such information and documents and such fee as may be prescribed in regulations made by the Commission.</p> <p>(2) Subject to subsection (3) of this section, the Commission may grant an appropriate licence, to an applicant if on consideration of an application, the Commission is satisfied that –</p> <ul style="list-style-type: none"> <li>(a) the applicant satisfies the requirements set out in any regulation made by the Commission;</li> <li>(b) the applicant will comply with such provisions of this Bill, including, without limitation, all regulations, guidelines, orders, codes of conduct, standards and licence terms and conditions as may be applicable to the undertaking, service, activity or system it intends to construct, own, operate or provide; and</li> <li>(c) the grant of the licence is in the public interest.</li> </ul> <p>(3) If on consideration of an application, the Commission is not satisfied as to the matters referred to in subsection (2) of this section, the Commission may refuse to grant a licence to the applicant provided that before refusing to grant the licence, the Commission shall –</p> <ul style="list-style-type: none"> <li>(a) notify the applicant in writing that it proposes to refuse the application;</li> <li>(b) set out in the notice referred to in paragraph (a) of this subsection, its reasons for proposing the refusal of the application;</li> <li>(c) afford the applicant an adequate opportunity to make representations in respect of the matter and show cause why the licence should be granted;</li> <li>(d) consider any representations made by the applicant pursuant to paragraph (c) of this subsection; and</li> <li>(e) where practicable, provide the applicant adequate opportunity to address any issues identified by the Commission.</li> </ul> <p>(4) The period between the Commission's receipt of an application and the date the Commission notifies the applicant of its decision or proposed decision in accordance with subsection (2) or (3), as the case may be, shall not exceed four (4) months from the date the application is received as complete by the Commission.</p>	<p>Application for Grant and Refusal of License</p>

<p><b>60.</b> (1) A licence granted by the Commission shall be subject to such terms and conditions as may be reasonably determined by the Commission.</p> <p>(2) Unless expressly stated in the licence-</p> <ul style="list-style-type: none"> <li>(a) the grant of a licence to any person shall not limit the power of the Commission to grant a licence to another person for a like purpose;</li> <li>(b) a licensee shall not claim any exclusivity or monopoly and the Commission may grant a licence to two or more persons for carrying on any regulated activity or undertaking within the same area, subject to the conditions that the applicant for grant of licence within the same area shall, without prejudice to the other conditions or requirements of this Bill, comply with additional requirements prescribed by the Commission relating to capital adequacy, creditworthiness, or code of conduct as may be prescribed by the Commission.</li> </ul> <p>(3) Notwithstanding the provisions of subsection (2), the Commission may allow a licensed activity to be exclusive for all or part of the period of the licence, for a specific purpose, for a geographical area, or for a combination of the foregoing, provided that such exclusivity shall subsist for a period not exceeding five (5) years from the grant of the license subject to the following conditions:</p> <ul style="list-style-type: none"> <li>(a) the exclusivity shall be granted following public consultation as may be prescribed by the Commission;</li> <li>(b) the applicant requesting exclusivity must show, to the satisfaction of the Commission, that such exclusivity is in the public interest; and</li> <li>(c) upon expiration of the exclusivity period, the exclusivity period may only be renewed following another public consultation as may be prescribed by the Commission.</li> </ul>	<p>Terms and Conditions of a Licence</p>
<p><b>61.</b> (1) Without derogating from the powers conferred on the Commission pursuant to this Bill, where the Commission is satisfied that a licensee or any market participant is contravening, or is likely to contravene or has contravened any –</p> <ul style="list-style-type: none"> <li>(a) term or condition of its licence;</li> <li>(b) code, rule, performance standard, manual, guideline or other standard applicable to the licensee;</li> <li>(c) direction issued by the Commission to or applicable to the licensee; or</li> <li>(d) provision of this Bill or regulation made hereunder,</li> </ul> <p>the Commission may serve upon the licensee an order to do one or more of the things set out in subsection (2) of this section.</p>	

(2) Pursuant to subsection (1), the Commission may by order -

- (a) direct the licensee to do or not do such things as are specified in such order and stipulate the period for compliance;
- (b) require the licensee to provide any form of security on such terms and conditions as the Commission may determine;
- (c) require the licensee to implement any measures as are specified in such order and stipulate the period for the implementation; or
- (d) specify a penalty for each day that the licensee is in default of compliance with the order.

(3) Before serving an order on the licensee under subsection (1), the Commission shall serve a notice on 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 rectifying or avoiding any contravention or threatened contravention of any condition of the licence;
- (b) stipulating the maximum period that the Commission considers 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 it shall specify.

(4) After considering any representations made and measures implemented under subsection (3), the Commission may serve, refrain from, defer serving the proposed order, or serve an order on different terms.

(5) An order served under subsection (1) may specify a penalty for each day that the licensee subjected to the order serving an order is in default of compliance with the order, not to exceed Ten Million Naira (N10,000,000.00) for each day.

(6) For the purpose of performing its functions under this Bill, the Commission shall have powers to cause an investigation into whether any person has breached any provisions of this Bill or applicable regulations.

(7) If the Commission is satisfied that such a person has committed any punishable offence under this Bill or any regulations, the Commission shall forward a report of the investigation to the Office of Attorney General for possible prosecution.

(8) The Commission shall, on its own initiative or upon a complaint from any consumer, eligible customers, consumer associations, shareholder in a licensee company or a licensee, inquire into the conduct of any

<p>licensee in carrying out its obligations under its licence and the provisions of this Bill.</p>	
<b>PART V – TARIFFS</b>	
<p><b>62.</b> (1) Activities licensed by the Commission pursuant to this Bill or any regulation, shall be subject to one or more tariff methodologies and for such period as may be adopted by the Commission in accordance with this Bill.</p> <p>(2) Notwithstanding subsection (1) of this section, the Commission may, subject to compliance with such terms and conditions as may be prescribed by the Commission and in accordance with a relevant tariff methodology established by the Commission, approve</p> <p>(a) any negotiated transactions (including the tariffs and charges agreed pursuant to that arrangement) between a licensee and a class or classes of electricity consumers; and</p> <p>(b) tariffs and charges that reflect the terms of any contract between licensees.</p>	General tariff regulation
<p><b>63.</b> Any tariff methodology adopted by the Commission pursuant to this Part of this Bill shall be based on the following principles –</p> <p>(a) encouragement of competition in the Niger State Electricity Market and ensure that regulated activities prices are, to the extent possible, set through competition rather than price caps, rate of return regulation, or similar mechanisms prescribed by the Commission;</p> <p>(b) fairness and avoidance of undue discrimination between electricity consumers, so that price differentials are objectively justified by differences in cost of supply or other undertaking;</p> <p>(c) where feasible, avoiding cross-subsidies among different categories of electricity consumers, whilst providing for lifeline tariffs and measures to protect and empower the most vulnerable customers, subject in all such cases to safeguards such as caps on load capacity and consumption;</p> <p>(d) ensure open, transparent and competitive generation procurement processes;</p> <p>(e) ensure a consistent and apolitical response to macroeconomic signals;</p> <p>(f) allow an efficient licensee to recover the full and reasonable costs incurred in conducting its business activities and a reasonable return on the capital invested in the business;</p> <p>(g) promote continued investments by licensees;</p>	Principles Guiding Tariff Methodologies

<ul style="list-style-type: none"> <li>(h) ensure the efficiency of the business and discourage wasteful expenditure;</li> <li>(i) ensure the continued improvement of the quality of service;</li> <li>(j) encourage negotiated transactions in every segment of the Niger State Electricity Market;</li> <li>(k) provide clear and accurate information to electricity consumers in relation to the costs that their consumption imposes on the licensee's business and encourage efficient electricity consumption;</li> <li>(l) promote innovation and the adoption of clean and modern technology; and</li> <li>(m) promote the use of the cleanest available electricity generation sources.</li> </ul>	
<p><b>64.</b> (1) The Commission shall, prior to adopting a tariff methodology or amending an existing tariff methodology, consult with licensees, electricity consumers, market participants, stakeholders and other persons or groups that the Commission may consider appropriate considering the subject matter of the proposed tariff methodology.</p> <p>(2) Prior to holding the consultation process pursuant to subsection (1) of this section, the Commission shall, as may be applicable, publish in at least two (2) newspapers with wide coverage in the State and on its website, notice of –</p> <ul style="list-style-type: none"> <li>(a) the consultation process and invitation to participate in the consultation;</li> <li>(b) the venue and period during which the consultation is to be held, provided that the notice period for the commencement of the consultation process shall not be less than 21 (twenty-one) days;</li> <li>(c) the nature of the matter to which the consultation relates; and</li> <li>(d) the matters upon which the Commission would require submissions, the form in which submissions are to take and the address to which the submissions may be sent.</li> </ul> <p>(3) The Commission shall take steps to promote participation in the consultation process, including by publishing any relevant background materials or other information on its website and providing for electronic access for participants or other means not requiring physical attendance.</p> <p>(4) The Commission may, in adopting a tariff methodology or any amendment, take into consideration the results of and any submissions made</p>	Procedure for adoption of tariff methodology

<p>during the consultation process pursuant to subsection (1) of this section.</p> <p>(5) The Commission shall fix the date on which the adopted tariff methodology or any amendment shall come into effect and shall cause notice of the effective date to be published in at least two (2) newspapers with wide coverage in the State and on its website.</p>	
<p><b>65.</b> (1) Every licensee or market participant under obligation to set tariffs and charges shall be bound by the tariff methodology and any amendment thereto, adopted by the Commission.</p> <p>(2) The Commission shall by regulation set out the process for approving tariffs and charges proposed by licensees.</p> <p>(3) Save in the case of negotiated transactions in which the relevant consumer or consumer group consents in writing to a higher tariff in return for improvement of supply or performance, any licensee who exceeds the tariff rates approved by the Commission or imposes unapproved tariffs and charges for the provision of any of its services commits an offence under this Bill.</p> <p>(4) For the purpose of subsection (3) above, a consumer group shall be deemed to have consented to a negotiated transaction if a minimum of seventy-five percent (75%) of the members of the consumer group that are present and voting at a meeting of the consumer group at which no less than twenty-one (21) days' written notice has been given, signify their assent to the negotiated transaction.</p> <p>(5) The Commission shall by regulations prescribe appropriate sanctions, including the imposition of financial penalties upon any licensee who commits an offence pursuant to this section.</p>	Tariffs and charges by licensees
<p><b>66.</b> (1) The Commission shall publish adopted tariff methodology on its website.</p> <p>(2) All licensees shall publish all tariff and charges applicable to their respective services and any amendment or modification on their website.</p>	Publication of tariff methodology, tariffs and charges
<p><b>PART VI – MARKET REGULATIONS, INDUSTRY STANDARDS AND CODES, AND CONSUMER AFFAIRS</b></p> <p><b>67.</b> (1) The Commission shall have the ongoing responsibility of monitoring the state of the Niger State Electricity Market and market behaviour of licensees and other market participants.</p>	Market regulation

(2) Without limiting the generality of the provisions of subsection (1) of this section, the Commission shall in particular have the responsibility to:

- (a) ensure the development and maintenance of a commercially sensible and economically efficient market;
- (b) prevent and address any discriminatory conduct in the market or practices inimical to the efficient functioning of the market;
- (c) establish rules, codes, and practices for the safe and reliable operation of the Market by its licensees and for upholding the rights of electricity customers in the State; and
- (d) remove and address any arrangements that stifle competition in the Market.

(3) In the performance of its responsibilities pursuant to subsection (1) of this section, the Commission shall be entitled to:

- (a) require and compel the disclosure of information and provision of documents by licensees and other market participants;
- (b) undertake such inquiries and investigations as it may consider necessary;
- (c) retain an independent entity to provide market monitoring and surveillance services; and
- (d) take such actions as may be necessary for the effective discharge of the responsibilities of the Commission.

(4) Where the Commission determines that there is or may be any circumstance which distorts the efficiency of the Niger State Electricity Market or adversely impacts its operations, the Commission may –

- (a) issue cease orders as may be required;
- (b) levy fines as may be prescribed by regulations issued by the Commission; and
- (c) give directions to such persons as the Commission considers appropriate.

(5) The Commission shall consider the responsibilities imposed on it under subsection (1) of this section in its decisions, orders and determinations regarding matters such as, but not limited to, licence applications, grant of licence, licence terms and conditions, and tariff methodology.

(6) The Commission may issue guidelines in order to provide certainty in relation to any one or more of the provisions in this section, and may

<p>consult with such person as it considers appropriate for the purpose of preparing such guidelines under this subsection.</p> <p>(7) Parties to any agreement, arrangement, practice or conduct may apply in writing to the Commission for guidance as to whether or not the agreement, arrangement, practice or conduct is likely to infringe subsections (1) and (4) of this section, or any guidelines published by the Commission pursuant to subsection (6) of this section, and the Commission shall for this purpose publish such guidance provided, on its website.</p>	
<p><b>68.</b> (1) The Commission shall, in consultation with licensees, market participants and such other stakeholders or interested parties that the Commission may consider appropriate, make and issue standards, codes and manuals in relation to:</p> <ul style="list-style-type: none"> <li>(a) the administration and operation of the Niger State Electricity Market;</li> <li>(b) the activities of licensees and market participants;</li> <li>(c) the safe, reliable and efficient operation of the electricity system in the State;</li> <li>(d) the provision of electricity equipment, facilities and instruments, including requirements for qualified providers and installers;</li> <li>(e) the promotion of energy efficiency and demand side management practices by licensees and electricity consumers;</li> <li>(f) quality of service, service standards and performance standards;</li> <li>(g) the safe, reliable and efficient interconnection of the Niger State Electricity Market with the national electricity market; and</li> <li>(h) such other matters as the Commission may consider appropriate as is necessary or expedient to achieve or promote the objectives of this Bill.</li> </ul> <p>(2) The standards, codes and manuals issued by the Commission pursuant to subsection (1) of this section shall be published by the Commission on its website.</p>	Industry standards and codes
<p><b>69.</b> (1) The Commission shall issue regulations and any amendments setting out standards, practices and procedures for the protection of electricity consumers in the State, including but not limited to the following matters:</p> <ul style="list-style-type: none"> <li>(a) service standards, including the establishment of special services for disadvantaged consumers;</li> <li>(b) complaint handling standards and resolution procedures;</li> </ul>	Consumer protection standards, practices and procedures

<ul style="list-style-type: none"> <li>(c) procedures for applying for and withdrawal of electricity services;</li> <li>(d) consumer charging, billing, collection and credit practices;</li> <li>(e) non-payment of bills, disconnections and re-connections;</li> <li>(f) compensating electricity consumers who do not enjoy the contracted electricity services;</li> <li>(g) the establishment of a forum at which electricity consumers are able to express their views and raise concerns and procedures for addressing those concerns;</li> <li>(h) fault repairs and response to emergencies;</li> <li>(i) the rights and duties of electricity consumers and available remedies;</li> <li>(j) the protection of consumer data; and</li> <li>(k) the provision and dissemination of information.</li> </ul> <p>(2) The consumer service standards, practices and procedures developed by the Commission and any amendments shall be published on the website of the Commission.</p> <p>(3) Without prejudice to the provisions of subsection (1) of this section, the Commission may require licensees to prepare, review or amend individual consumer standards, practices or procedures in relation to specific matters for their respective consumers and such standards, practices or procedures shall be subject to the prior approval of and ratification by the Commission and published by the licensee on its website.</p> <p>(4) The Commission shall collaborate with the Agency of the State responsible for consumer protection, in connection with the matters set out in this section.</p>	
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## PART VII – RENEWABLE ENERGY AND ENERGY EFFICIENCY

<p><b>70.</b> (1) The Commission shall support the development and utilisation of renewable energy and for this purpose, take measures stipulated under this section to increase the contribution of renewable energy to the State's energy mix –</p> <ul style="list-style-type: none"> <li>(a) stipulate in its licensing and fees schedule, simplified licensing and fees regime for issuance of licenses to renewable energy service</li> </ul>	Promotion of the development and utilisation of renewable energy
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<p>companies for the provision of electricity to consumers and from renewable energy sources specified under this Act;</p> <p>(b) issue commercial and technical regulations for connectivity to the grid and distribution network for sale of electricity generated from renewable energy sources to distribution and trading licensees, eligible customers and consumers;</p> <p>(c) issue technical standards and certification procedures for technical personnel participating in renewable energy projects taking into cognisance the need to promote local skills and local requirements for renewable energy projects.</p> <p>(d) provision of standards for power purchase agreements with specific requirements and terms for marketing and trading renewable energy;</p> <p>(e) provide regulations specifying the role of all licensees in the electricity value chain of the State, in the integration of renewable energy into the state grid and distribution network;</p> <p>(f) monitor and enforce compliance with renewable purchase obligations and generation purchase obligations as may be prescribed by the Commission;</p> <p>(g) provision of embedded renewable energy generation regulations including review of extant standards for solar PV, wind turbines and regulation for biomass electricity;</p> <p>(h) provision of mini-grid regulations on renewable energy to cater for installation, metering, billing and other requirements, for renewable energy mini-grid systems;</p> <p>(i) make regulations for renewable energy local content requirements that encourage local skills acquisition, local production and assembly of solar PV components, deep cycle batteries, electro-mechanical components of SHP technology, wind power, boilers and turbines or other components as may be specified by the Commission for local content requirements;</p> <p>(j) ensure stable and long-term favourable pricing mechanism for renewable energy and facilitate unhindered access to the state grid and distribution network through the prescribed measures;</p>	
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<p>(k) stipulation of duty on the Commission and system operator to promote generation and consumption of electricity from renewable energy sources;</p> <p>(l) introduction of feed-in tariffs for all small hydro schemes, all biomass co-generation power plants, solar and wind-based plants irrespective of their sizes within the terms of the tariffs to be up to up to 20 years to guarantee buyers under standard power purchase agreements and provide return on investments;</p> <p>(m) award of licence of mini-grid concessions to renewable energy companies to exclusively serve a specific geographical location indicating aggregate electricity to be generated and distributed from a site with obligation to serve customers to request service;</p> <p>(n) provide standards and sitting guidelines for solar home systems, stand-alone solar PV, micro hydro and wind power;</p> <p>(o) ensure clarity in the market rules and offer incentives and support to independent power producers for investments in generation of electricity from renewable sources specified under this Bill;</p> <p>(p) provide support to the Agency established under this Bill towards efficient supply of electricity to unserved and underserved areas of the State using renewable energy sources specified under this Bill;</p> <p>(q) provide technical specifications and codes for stand-alone PV, micro-hydro and wind plant;</p> <p>(r) issuance of renewable energy standards on installation, decommissioning and disposal of renewable energy accessories and monitor compliance in conjunction with other relevant MDAs with mandates on product safety and standards;</p> <p>(s) issue necessary regulatory instrument on net-billing for roof-top solar PV systems and small wind power in accordance with the provisions of this Bill regarding the procedure for adoption of guidelines or other regulatory documents by the Commission; and</p> <p>(t) in consultation with the relevant MDAs provide regulation on energy storage to promote energy efficiency.</p> <p>(2) The Commission shall for the purpose of the implementation of this Bill, approve –</p>	
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<ul style="list-style-type: none"> <li>(a) rates chargeable for the purchase of electricity from renewable energy sources by public utilities;</li> <li>(b) charges for mini-grid and grid connection; and</li> <li>(c) rates chargeable for wheeling of electricity from renewable energy sources.</li> </ul>	
<p><b>71.</b> (1) For the purposes of this Part, commercial activities in the renewable energy industry include—</p> <ul style="list-style-type: none"> <li>(a) generation of electricity from renewable energy sources;</li> <li>(b) transmission, distribution and supply of electricity generated from renewable energy sources;</li> <li>(c) trading and sale of electricity generated from renewable energy sources;</li> <li>(d) installation, operation and maintenance of renewable energy systems and associated infrastructure; and</li> <li>(e) energy storage and ancillary services related to renewable energy.</li> </ul> <p>(2) The Commission may, by regulations or other regulatory instruments, expand, limit or otherwise modify the scope of activities specified in subsection (1).</p>	Commercial activities for renewable energy
<p><b>72.</b>(1) Where the Commission establishes a renewable energy purchase obligation for any class of licensees or bulk or eligible customers, the Commission shall, in determining the applicable obligation, have regard to:</p> <ul style="list-style-type: none"> <li>(a) the technologies used to generate electricity from renewable energy sources;</li> <li>(b) the financial viability and sustainability of affected licensees or public utilities;</li> <li>(c) the net impact of renewable energy costs on end-user tariffs;</li> <li>(d) prevailing market conditions; and</li> <li>(e) the overall objectives of this Bill relating to affordability, reliability and sustainability.</li> </ul> <p>(2) The Commission may, by regulations, prescribe:</p> <ul style="list-style-type: none"> <li>(a) the classes of licensees or customers to which renewable energy purchase obligations apply;</li> <li>(b) the percentage or quantum of electricity to be sourced from renewable energy;</li> <li>(c) compliance timelines and reporting requirements; and</li> <li>(d) mechanisms for monitoring and enforcement.</li> </ul> <p>(3) A bulk or eligible customer subject to a renewable energy purchase obligation shall—</p>	Consideration for renewable purchase obligation

<p>(a) procure the prescribed percentage or quantum of its electricity from renewable energy sources; or</p> <p>(b) pay a renewable energy compliance charge or premium in such amount and manner as may be determined by the Commission by regulations.</p> <p>(4) Funds realised from any compliance charge or premium under subsection (3)(b) shall be applied towards programmes or initiatives approved by the Commission for the promotion and development of renewable energy in the State.</p>	
<p><b>73 (1)</b> A distribution licensee or other public utility shall not enter into or negotiate a power purchase agreement for electricity generated from renewable energy sources except in accordance with guidelines and tariff methodologies issued or approved by the Commission.</p> <p><b>(2)</b> The Commission shall issue guidelines and, where applicable, establish feed-in tariff frameworks specifying the principles and parameters for rates applicable to electricity generated from renewable energy sources.</p> <p><b>(3)</b> In developing guidelines or feed-in tariff frameworks under this section, the Commission shall have regard to—</p> <ul style="list-style-type: none"> <li>(a) the technology used to generate the electricity;</li> <li>(b) the location of the generation facility;</li> <li>(c) operating norms and technical characteristics of the technology;</li> <li>(d) capital costs, financing costs, and costs of construction, commissioning, operation and maintenance;</li> <li>(e) a reasonable rate of return on efficient investment; and</li> <li>(f) the need to balance the interests of consumers and investors.</li> </ul> <p><b>(4)</b> A feed-in tariff rate fixed for electricity generated from renewable energy sources shall apply for such period as may be determined by the Commission in the relevant tariff methodology or regulatory instrument.</p> <p><b>(5)</b> In establishing tariff mechanisms applicable to the regulated electricity market, the Commission shall take into account any price differential between electricity generated from renewable energy sources and electricity generated from other sources, in accordance with adopted tariff methodologies.</p>	Feed-in tariff rates
<p><b>74. (1)</b> No public utility or distribution licensee shall demand, apply or receive a feed-in tariff in respect of electricity generated from renewable energy sources unless such feed-in tariff has been <b>approved by the Commission</b> in accordance with this Bill and applicable tariff methodologies.</p> <p><b>(2)</b> A public utility or distribution licensee shall not, directly or indirectly, demand or receive a feed-in tariff higher than the feed-in tariff approved by the Commission.</p>	Approval of feed-in tariff rates

<p>(3) Notwithstanding subsection (2), the Commission may approve a <b>negotiated feed-in tariff</b> higher than an approved feed-in tariff where—</p> <p>(a) the higher tariff is agreed between the distribution licensee and the relevant generator or consumer, as applicable; and</p> <p>(b) the Commission is satisfied that the negotiated tariff is justified by demonstrable improvements in supply, performance or other public benefits and is consistent with adopted tariff methodologies.</p>	
<p><b>75.</b> Feed-in tariff rates approved by the Commission for electricity generated from renewable energy sources shall be published on the Commission's website.</p>	Publication of feed-in tariff rates
<p><b>76.</b> (1) A transmission licensee or distribution licensee shall, subject to applicable technical codes, Market Rules and capacity constraints, connect a generator of electricity from renewable energy sources located within its coverage area where such generator so requests, and such request shall not be unreasonably withheld.</p> <p>(2) A transmission licensee or distribution licensee shall, where technically and economically reasonable, undertake necessary upgrades to its system to enable the evacuation and injection of electricity generated from renewable energy sources.</p> <p>(3) The Commission shall, by regulations or guidelines, prescribe the principles for allocation and recovery of costs associated with system upgrades required for the connection of renewable energy generators.</p> <p>(4) Unless otherwise determined by the Commission, the costs associated with facilities required to connect a renewable energy generator to the relevant metering point shall be borne by the generator.</p> <p>(5) For the purposes of this section, the transmission licensee or distribution licensee and the renewable energy generator shall enter into a connection agreement in such form and containing such minimum terms as may be prescribed by the Commission.</p> <p>(6) A licensee, contractor, subcontractor or other entity carrying out renewable energy activities shall comply with local content requirements prescribed by the Commission or any other relevant authority.</p>	Connection to transmission and distribution system
<p><b>77.—(1)</b> The Commission shall, in consultation with relevant environmental authorities and stakeholders, make regulations prescribing environmental, emissions and fuel-quality standards applicable to electricity generation and other regulated activities in the Niger State Electricity Market.</p>	Emissions standards permit fee

<p>(2) Without prejudice to subsection (1), the Commission may, by regulations:</p> <ul style="list-style-type: none"> <li>(a) prescribe emission limits and progressively tighten such limits over time;</li> <li>(b) require electricity generating plants, or any specified class thereof, that utilise distillates or other high-emission fuels to transition to cleaner fuels, including natural gas or renewable energy sources, within a transition period determined by the Commission;</li> <li>(c) require electricity generating plants whose emissions exceed prescribed limits to obtain an environmental compliance permit from the Commission, subject to such terms and conditions as may be specified;</li> <li>(d) impose an emissions levy or environmental charge on electricity generating plants in such manner and at such rates as may be prescribed, with proceeds to be paid into the Electrification Fund or such other fund as may be established under this Bill;</li> <li>(e) prescribe the method for calculating, assessing and collecting any emissions levy or environmental charge; and</li> <li>(f) introduce incentives and disincentives to promote the utilisation of the cleanest available fuels and technologies for electricity generation.</li> </ul>	
<p><b>78.</b> (1) The Ministry shall, consistent with the Niger State Electricity Policy and Strategic Implementation Plan, take steps to—</p> <ul style="list-style-type: none"> <li>(a) support and promote the deployment of off-grid and decentralised electricity solutions in the State by introducing policy measures, strategies, incentives, schemes and programmes; and</li> <li>(b) facilitate cooperation and collaboration with the Federal Government, other States, development partners, and any other relevant body or international organisation in furtherance of the objectives of this Bill.</li> </ul> <p>(2) The Ministry shall serve as the <b>policy coordinating body</b> for incentives, strategies, schemes and programmes introduced by the State under subsection (1): <b>Provided that</b> where any such incentive, strategy, scheme or programme has regulatory, licensing or market implications, the Ministry shall consult the Commission.</p> <p>(3) The Governor may designate any other ministry, department, agency or entity as the coordinating body in relation to any specific incentive, strategy, scheme or programme.</p>	General responsibility of Government in connection with off-grid solutions
<p><b>79.</b> (1) The Ministry shall, in consultation with the Commission, the Agency and other relevant stakeholders—</p> <ul style="list-style-type: none"> <li>(a) establish and publish criteria for identifying unserved and underserved areas, communities and clusters in the State within six (6) months of the commencement of this Bill;</li> </ul>	The Off-Grid Electrification Strategy and Action Plan

<p>(b) develop an Off-Grid Electrification Strategy and Action Plan for the State within six (6) months of the commencement of this Bill or such extended period as may be approved by the State Executive Council; and</p> <p>(c) review and, where necessary, revise the Off-Grid Electrification Strategy and Action Plan at least once every three (3) years.</p> <p>(2) The Off-Grid Electrification Strategy and Action Plan, and any revision thereto, shall be approved by the State Executive Council and published on the websites of the Ministry, the Commission and the Agency.</p> <p>(3) The Off-Grid Electrification Strategy and Action Plan shall provide for—</p> <ul style="list-style-type: none"> <li>(a) recognition of off-grid solutions as a core component of the Niger State Electricity Policy and Strategic Implementation Plan;</li> <li>(b) short-, medium- and long-term targets for off-grid electrification;</li> <li>(c) mapping of cost-effective off-grid solutions suitable for each unserved or underserved area, community or cluster, and applicable incentives;</li> <li>(d) the role of the State in enabling private-sector investment and fostering an off-grid ecosystem;</li> <li>(e) education, research, sensitisation, consumer protection and capacity-building programmes relating to off-grid solutions;</li> <li>(f) regulatory principles applicable to off-grid solutions and e-waste management;</li> <li>(g) strategies to promote gender and social inclusion in electricity access;</li> <li>(h) priority programmes, projects and activities for off-grid deployment; and</li> <li>(i) a monitoring and evaluation framework, including annual reviews and reporting.</li> </ul> <p>(4) The implementation of the Off-Grid Electrification Strategy and Action Plan shall be carried out by the Agency in accordance with this Bill and applicable regulations, and subject to oversight by the Commission in respect of regulatory and licensing matters.</p>	
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## PART VIII – NIGER STATE ELECTRICITY AGENCY AND NIGER STATE ELECTRICITY FUND

<p><b>80.</b> (1) There is established the Niger State Electrification Agency (referred to in this Law as “the Agency”).</p> <p>(2) The Agency shall be a body corporate with perpetual succession and a common seal and shall in its corporate name be capable of:</p> <ul style="list-style-type: none"> <li>(a) suing and being sued;</li> <li>(b) acquiring, owning, holding, mortgaging, developing, disposing and otherwise dealing howsoever with property, whether movable or immovable, subject to the extant policies of the State;</li> <li>(c) entering into contracts, subject to the extant policies of the State; and</li> <li>(d) doing or performing all other things or acts for the furtherance of its functions and duties under this Law which may be lawfully done or performed by a body corporate.</li> </ul>	<p>Establishment of Niger State Electricity Agency</p>
<p><b>81.</b> (1) The Agency shall:</p> <ul style="list-style-type: none"> <li>(a) control and manage any electricity installation vested in the Agency under the provisions of this Law or any other Law;</li> <li>(b) construct, reconstruct, maintain and operate public lighting or power points in any street or other public place;</li> <li>(c) construct, reconstruct, maintain and operate electricity installations, works, buildings, infrastructure and other works necessary for the discharge of its functions;</li> </ul>	<p>Functions of the Agency</p>

<p>(d) carry any electricity installation through, across, over or under any street or any place laid out or intended as a street after giving reasonable notice in writing to the affected owner or occupier, and make good any damage done;</p> <p>(e) enter any land at any time between the hours of 6.00am and 6.00pm after giving reasonable notice in writing to the affected owner or occupier for the purpose of electricity installations, examining, repairing or removing any electricity installation which is the property of the Agency; and</p> <p>(f) perform such other functions and exercise such powers that are necessary and incidental to the above.</p> <p>(2) In addition to subsection (1) of this section, the Agency shall also carry out the following functions:</p> <p>(a) promote the deployment of environmentally friendly and climate-efficient electricity solutions in the underserved and unserved areas of the State;</p> <p>(b) increase access to electricity services for underserved and unserved areas of the State, including through engaging with and facilitating entities wishing to supply such services;</p> <p>(c) be responsible for executing and implementing the Off-Grid Electrification Strategy and Action Plan;</p> <p>(d) manage and supervise the Electrification Fund in accordance with the provisions of this Law and any approved operational guidelines, procedures, criteria and/or modalities;</p> <p>(e) collaborate generally with relevant ministries, departments and agencies of the State and Federal Government to facilitate the electrification of underserved and unserved areas of the State and the general provision of off-grid solutions;</p> <p>(f) promote capacity building in relation to the provision of off-grid solutions;</p> <p>(g) create public awareness through seminars, workshops, studies and make available information (both online and offline) regarding off-grid solutions and electrification of underserved and unserved areas of the State;</p> <p>(h) be responsible for public lighting or power points in any street or other public place; and</p> <p>(i) perform such other functions and exercise such powers that are necessary and incidental to the above.</p>	
<p><b>82.</b> In discharging its functions under this Law, the Agency shall consult such persons, groups or associations who may be affected by its activities, programmes or projects.</p>	<p>Consultation by the Agency</p>
<p><b>83.</b> Nothing in this Law shall be construed as conferring the Agency with powers to exercise regulatory functions over any aspect of the Niger State Electricity Market, or interfere with the functions, duties and powers of the Commission:</p> <p>Provided that the Commission shall consult the Agency in the making of any regulations in relation to the functions and powers of the Agency under this Law.</p>	<p>Relationship with the Commission</p>
<p><b>84. (1)</b> There is established for the Agency a governing board (referred to in this Law as “the Board of the Agency”) which shall perform the functions of the Agency as stipulated under this Part.</p> <p>(2) The Board of the Agency shall consist of five (5) Directors, made up of:</p> <p>(a) a Non-Executive Chairperson;</p> <p>(b) the Managing Director of the Agency;</p>	<p>Establishment and Composition of the Board of the Agency</p>

<p>(c) a representative of the Ministry nominated by the Honourable Commissioner, who shall be a Non-Executive Director; and</p> <p>(d) two (2) part-time Non-Executive Directors.</p> <p>(3) A Director shall stand in a fiduciary relationship towards the Agency and shall observe utmost good faith towards the Agency in the exercise of his powers and discharge of his functions.</p> <p>(4) The Agency shall however not be incapacitated from carrying out its functions and exercising its powers by virtue of any vacancy in the composition of the Board of the Agency or defect in the appointment of any Director.</p>	
<p><b>84.</b> (1) The Board of the Agency shall:</p> <ul style="list-style-type: none"> <li>(a) provide general guidance for the carrying out of the functions of the Agency;</li> <li>(b) review and approve the annual budget, operating, business and strategic plans of the Agency;</li> <li>(c) be responsible for devising means of generating independent revenue through contributions, grants, donations and gifts for the Electrification Fund as it may deem fit in accordance with this Law;</li> <li>(d) supervise and ensure accountability in relation to the Electrification Fund established under this Law;</li> <li>(e) develop relevant operational guidelines, procedures, criteria and/or modalities for the allocation, management and utilization of the Electrification Fund;</li> <li>(f) prepare the annual plan setting out the proposed activities, programmes and projects with their cost implications to be funded with the sums of money accruing to the Electrification Fund;</li> <li>(g) structure the Agency into such number of departments as it deems fit for the effective discharge of the functions of the Agency, subject to the approval of the Honourable Commissioner; and</li> <li>(h) exercise such other powers as may be necessary for the efficient and effective administration of the Agency under this Law.</li> </ul> <p>(2) The Honourable Commissioner may give the Board of the Agency such general directives in relation to the discharge of its functions and the exercise of its powers under this Law as may appear to be necessary to ensure conformity by the Board of the Agency with the policy of the Government, and the Board of the Agency shall give effect to such directives.</p>	Powers of the Board of the Agency
<p><b>85.</b> (1) The Chairperson and other Non-Executive Directors of the Board of the Agency excluding the ex-officio member shall be persons of proven integrity and ability and shall be appointed by the Governor on the recommendation of the Honourable Commissioner.</p> <p>(2) The Chairperson and other Non-Executive Directors of the Board of the Agency excluding the ex-officio member shall be persons with relevant professional qualifications and cognate experience in the fields of energy, procurement, engineering, law or other relevant disciplines and must have senior management experience either in the public or private sector.</p> <p>(3) The Chairperson and the Non-Executive Directors shall hold office on part-time basis for a period of four (4) years and shall be eligible for reappointment for one (1) further term of four (4) years only.</p>	Appointment of the Chairperson and the Non Executive Directors

<p><b>86.(1)</b> The Managing Director shall be appointed by the Governor on the recommendation of the Commissioner.</p> <p>(2) A person shall be qualified for appointment as the Managing Director if such person:</p> <ul style="list-style-type: none"> <li>(a) is a holder of a university degree recognized in Nigeria in the fields of law, accountancy, economics, finance, administration, energy or engineering;</li> <li>(b) has not less than fifteen (15) years working experience in the relevant field, seven (7) of which is at a senior management level; and</li> <li>(c) has extensive managerial, technical or professional knowledge of and experience in connection with the power sector.</li> </ul> <p>(3) The Managing Director shall be:</p> <ul style="list-style-type: none"> <li>(a) appointed for an initial term of four (4) years and shall be eligible, subject to satisfactory performance, for reappointment for one (1) further term of four (4) years only;</li> <li>(b) the Chief Executive and Accounting Officer of the Agency; and</li> <li>(c) responsible to the Board of the Agency for the day-to-day administration of the Agency.</li> </ul> <p>(4) Except as provided in this Law, the terms and conditions of appointment of the Managing Director shall be as specified in his letter of appointment.</p> <p>(5) The Managing Director shall devote his full time to the service of the Agency and while holding office shall not hold any other office or employment except where appointed by virtue of his office into the membership of any board, agency or authority of the government of the State or any organization to which the Agency is a member or an affiliate.</p>	<p>Managing Director of the Agency</p>
<p><b>87</b> The Board of the Agency shall appoint a secretary and legal adviser (referred to in this Law as "the Secretary of the Agency") who shall be a legal practitioner qualified to practice in Nigeria, with at least ten (10) years post-call experience.</p> <p>(2) The Secretary of the Agency shall:</p> <ul style="list-style-type: none"> <li>(a) be the head of the Legal Department;</li> <li>(b) act as the Legal Adviser to the Agency;</li> <li>(c) arrange and attend meetings of the Board of the Agency and keep minutes, corporate records and the common seal of the Agency; and</li> </ul> <p>discharge such other administrative and other secretarial duties as the Managing Director or the Board of the Agency may assign.</p>	<p>Secretary of the Agency</p>
<p><b>88.(1)</b> The Agency may employ such other staff as it may deem necessary to assist the Agency in the performance of its functions under this Law.</p>	<p>Other Staff of the Agency</p>

<p>(2) The terms and conditions of service, including remuneration, allowances and other benefits of the staff of the Agency and the periodic review of the same, shall be as determined by the Board of the Agency having regard to the extant financial policies and guidelines of the State.</p> <p>(3) The Agency may, subject to the provisions of this Law, make staff regulations, rules and policies relating generally to the conditions of service of the staff of the Agency.</p> <p>(4) The Agency may assign to its staff such functions of the Agency as the Agency deems fit.</p> <p>(5) The provisions of the Pension Reform Law shall be applicable to the officers, staff or employees of the Agency.</p> <p>(6) Nothing in subsection(5) of this section shall prevent the Agency from appointing a person to an office on terms that preclude the grant of pension or other retirement benefits in respect of that office.</p>	
<p><b>89.</b> (1) A member of the Board shall cease to hold office if he or she</p> <ul style="list-style-type: none"> <li>(a) resigns by notice in writing addressed to the Governor;</li> <li>(b) is adjudged bankrupt or insolvent, convicted of an offence involving fraud or dishonesty, or certified to be of unsound mind by a registered medical practitioner;</li> <li>(c) is absent from three (3) consecutive meetings of the Board without reasonable cause and without the approval of the Chairperson;</li> <li>(d) is guilty of gross misconduct or serious breach of the provisions of this Law or any regulations made thereunder; or</li> <li>(e) on the expiration of his or her term of office.</li> </ul> <p>(2) A member shall not be removed from office under subsection (1)(d) unless—</p> <ul style="list-style-type: none"> <li>(a) the Governor has given to the member a written notice of the reasons for the proposed removal; and</li> <li>(b) the member has been given an opportunity to make written representations within fourteen (14) days.</li> </ul> <p>(3) Where a member is removed from office, the notice of removal and the reasons therefor shall be published in the Niger State Gazette.</p> <p>(4) The Governor may, on the recommendation of the Board, appoint an acting member to fill any vacancy pending the appointment of a substantive member in accordance with this Law.</p> <p>(5) For the avoidance of doubt, no member shall be removed from office solely on the ground of a change in Government or policy direction.</p>	Cessation of Office of Members of the Board of the Agency
<p><b>90.</b> (1) The Non-Executive Directors, other than the ex officio member, shall be paid such remuneration, allowances and other benefits as the Governor may approve. Cessation of Office of Members of the Board Remuneration and Allowances</p> <p>(2) The remuneration, allowances and other benefits of the Managing Director shall be as specified in his letter of appointment as approved by the Governor.</p>	Remuneration and Allowances

(3) The remuneration, allowances and other benefits of the Directors referred to in subsections (1) and (2) shall be paid from the funds of the Agency subject to the extant financial policies and guidelines of the State.	
<b>91</b> .The Board of the Agency shall develop and issue a comprehensive code of ethics that applies to all Directors and staff of the Agency	Code of Ethics for the Agency
<p><b>92.</b> (1) Subject to the provisions of this Law and the Interpretation Act, the Board may make standing orders regulating its proceedings and those of any committee of the Board.</p> <p>(2) The Board shall meet for the conduct of its business at least once every quarter and may hold extraordinary meetings at such times as the Chairperson may determine.</p> <p>(3) The Chairperson may summon an emergency meeting of the 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 Board of the Agency.</p> <p>(4) The Chairperson shall preside at every meeting of the Board of the Agency, and in the absence of the Chairperson, one of the members, except the Managing Director, shall be appointed to preside.</p> <p>(5) The quorum for a meeting of the Board shall be a simple majority of the total number of members of the Board, provided that at least one non-executive member is present.</p> <p>(6) Decisions of the Board shall be taken by a simple majority of the members present and voting, and where there is an equality of votes, the person presiding shall have a casting vote.</p> <p>(7) The Board may co-opt any person whose technical, financial, legal or professional expertise is required for the performance of its functions, provided that such person shall not have the right to vote.</p> <p>(8) The Board may establish one or more committees to assist it in the discharge of its functions and may delegate to any such committee such powers as it considers appropriate, except the power to approve budgets, appoint or remove senior management, or make regulations.</p> <p>(9) Where the Board of the Agency desires to obtain the advice of any person on a matter, the Board of the Agency 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 Board of the Agency and shall not count towards a quorum.</p>	Proceedings of the Board of the Agency

<p>(10) The validity of any proceedings of the Board or of any committee thereof shall not be affected by any vacancy in the membership of the Board or committee, or any defect in the appointment of a member.</p> <p>(11) The Board shall ensure that proper records and minutes of its meetings are kept and maintained in accordance with applicable public-sector governance standards.</p> <p>(12) Subject to this Law, the Board may regulate its own procedure and that of its committees as it considers appropriate for the efficient discharge of its functions</p>	
<p><b>93.</b> The common seal of the Agency shall be determined by the Board of the Agency, and the affixing of the common seal shall be authenticated by the signatures of the Managing Director and the Secretary, or any other member authorised by the Board of the Agency to act for that purpose.</p>	Common Seal of the Agency
<p><b>94.</b> (1) The Agency shall establish and maintain a fund (referred to in this Law as "the Fund of the Agency"), which shall be used to defray all expenses of the Agency.</p> <p>(2) There shall be paid and credited into the Fund of the Agency:</p> <p>(a) such sums of money as may be appropriated to the Agency in annual budgetary allocations by the State House of Assembly;</p> <p>(b) all fees earned by the Agency for any service provided by the Agency in the exercise of its functions under this Law;</p> <p>(c) grants, donations, endowments or contributions from the State Government, Federal Government, development partners, donor agencies or any other lawful source;</p> <p>(d) all sums of money accruing to the Agency by way of grants-in-aids, gifts, testamentary dispositions, endowments, and contributions from any other source, provided that the condition for such grants is not inconsistent with the objectives, functions, duties and responsibilities of the Agency under this Law;</p> <p>(e) any other fund that may be created from time to time by a Law of the House; and</p> <p>(f) all other monetary assets that may from time to time accrue to the Agency, and</p> <p>(g) shall manage its funds in accordance with the extant financial policies and guidelines of the State.</p>	Fund of the Agency
<p><b>95.</b> The Board of the Agency may, through the Commissioner, with the approval of the Governor and the House, borrow such sums of money for and in connection with the performance of its functions under this Law.</p>	Power of the Agency to Borrow
<p><b>96.</b> (1) The funds of the Agency shall be applied solely towards:</p> <p>(a) the cost of administration and operations of the Agency;</p> <p>(b) the implementation of off-grid electrification programmes, projects and initiatives in the State;</p> <p>(c) the provision of capital expenditure required for the performance of the functions of the Agency;</p>	Application of Funds

<p>(d) payments in respect of contracts, obligations and liabilities lawfully incurred by the Agency;</p> <p>(e) capacity-building, research, data collection, monitoring and evaluation activities related to rural and off-grid electrification; and</p> <p>(f) any other expenditure incidental or necessary for the proper performance of the functions of the Agency under this Law.</p>	
<p><b>97.</b> (1) The Agency shall prepare and submit to the Board, not later than three (3) months before the end of each financial year, a budget of its estimated revenue and expenditure for the next financial year. Upon approval by the Board, the budget shall be transmitted to the Ministry for consolidation and onward submission to the House of Assembly in accordance with the State's public finance framework.</p> <p>(2) Subject to legislative appropriation and oversight, the Agency shall:</p> <p>(a) operate and maintain its own bank accounts;</p> <p>(b) retain and apply revenues accruing to it for the purposes of this Law; and</p> <p>(c) manage its finances in a transparent, accountable and commercially prudent manner.</p>	Budget of the Agency
<p><b>98.</b> (1) There is established the Niger State Electrification Fund (referred to in this Bill as the "Electrification Fund") and it shall be controlled, operated and managed by the Agency in the manner specified in this Part.</p> <p>(2) The Electrification Fund shall comprise funds derived from but not limited to the following sources:</p> <p>(a) such sums of money as may be appropriated to the Electrification Fund in the Government's annual budgetary allocation;</p> <p>(b) a percentage as approved by the Governor of any excess of the Commission's revenue of any year over the approved expenditure for that year;</p> <p>(c) all fines and penalties imposed and collected by the Commission in enforcing any provisions of this Bill or regulations made by the Commission, which shall be paid directly into the Electrification Fund within fifteen (15) days of collection;</p> <p>(d) any electricity levy introduced by the Commission pursuant to this Bill;</p> <p>(e) donations, contributions, gifts, loans, grants, aids and such other assets that may from time to time specifically accrue to the Electrification Fund;</p> <p>(f) 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;</p>	Establishment of the Niger State Electrification Fund

<p>and</p> <p>(g) any special intervention fund as may be provided by the State.</p> <p>(3) The Board of the Agency shall ensure that the Electrification Fund is at all times transparently managed and operated and totally separated from the Fund of the Agency.</p> <p>(4) The Commission shall ensure that all monies payable by the Commission into the Electrification Fund are paid promptly and directly into the Electrification Fund.</p> <p>(5) Any monies, grants, donations, contributions or the like given to the Electrification Fund in any foreign currency shall be held by the Agency as part of the Electrification Fund but until they are to be utilized, such funds shall be held in the currency in which they were given to the Electrification Fund and be accounted for accordingly.</p> <p>(6) The assets and monies in the Electrification Fund shall not be used in any manner whatsoever to defray or undertake the recurrent or capital expenditure of the Agency.</p>	
<p><b>99.</b> (1) The Board of the Agency shall, at the beginning of every financial year and not later than thirty (30) days thereafter, prepare and approve an annual Electrification Fund Utilisation Plan setting out the proposed programmes, projects and activities to be financed from the Electrification Fund, together with their cost implications.</p> <p>(2) The Electrification Fund shall only be utilized for the following purposes, to:</p> <ul style="list-style-type: none"> <li>(a) implement the Off-Grid Electrification Strategy and Action Plan;</li> <li>(b) promote, support and provide electricity access and services to underserved and unserved areas of the State;</li> <li>(c) promote and support the expansion of the State grid, and the development, deployment and utilisation of off-grid solutions in the State;</li> <li>(d) subject to the Financial Regulations of the State, make investments as may be approved by the State House of Assembly provided that such investments shall not undermine the ability of the Agency to meet its obligations; and</li> <li>(e) pay for the costs and expenses in relation to the administration and operation of the Electrification Fund, provided such costs and expenses do not exceed in any financial year zero-point seventy-five percent (0.75%) of the amounts standing to the credit of the</li> </ul>	<p>Utilisation of the Electrification Fund</p>

<p>Electrification Fund at the end of the previous financial year.</p> <p>(3) The Agency shall, in consultation with the Commissioner responsible for power and energy and other stakeholders –</p> <ul style="list-style-type: none"> <li>(a) develop and establish objective and transparent guidelines, criteria and/or modalities for the management, allocation and utilisation of monies from the Electrification Fund; and</li> <li>(b) develop and establish open, competitive and transparent procedures for screening and selecting eligible activities, programmes and projects to receive disbursements from the Electrification Fund.</li> </ul> <p>(4) In developing the guidelines under subsection (3a), the Agency shall have due regard to applicable State electricity policies and may consult relevant ministries, departments and agencies, provided that such consultation shall not prejudice the operational independence of the Agency.</p>	
<p><b>100.</b> (1) The Board of the Agency may, subject to the prior approval of the Governor, execute Agreements with development partners setting up Special Purpose Funds for the provision of off-grid solutions in any part of the State.</p> <p>(2) The Agreements made pursuant to subsection (1), may set out separate financing arrangements in respect of the management and utilisation of the Special Purpose Funds and clearly establish the modalities for administering such funds, provided that in the absence of such defined financing arrangement or administrative modalities, the rules, procedures and guidelines applicable to the Electrification Fund established under this Bill shall apply to such Special Purpose Funds.</p>	Special Purpose Funds
<p><b>101.</b> All sources of money paid into the Niger State Electrification Fund shall be exempt from income tax.</p>	Exemption from income tax
<p><b>102.</b> (1) No execution or attachment order shall be issued by any court of law against any money standing to the credit of the Electrification Fund or accruing to the Electrification Fund.</p> <p>(2) No execution or attachment order shall be issued by any court of law against the property of the Agency without the consent of the Attorney General of the State.</p>	Restriction on the execution of suits against the Electrification Fund and property of the Agency
<p><b>103.</b> The Agency shall, in respect of each year, keep proper accounts and other records relating to such accounts in respect of all of the Agency's activities, operations, transactions, funds (including the Electrification Fund), properties and</p>	Maintaining proper accounts and records by the Agency

such other accounts and records as the Commissioner responsible for power and energy may require.	
<b>104.</b> (1) The Agency shall ensure that its accounts and other records kept shall be audited within three (3) months from the end of each financial year by auditors provided that such auditors are on the list of auditors approved from time to time by the Auditor-General of the State.  (2) The auditor shall be entitled to require to be produced, all accounts and other records relating to each account which are kept by the Agency or its Directors, members, staff, agents, consultants or service providers and to require from any Director, member, staff, agent, consultant or service provider of the Agency such information as in the auditor's opinion are necessary for the purposes of the audit.	Audit of the accounts and records of the Agency
<b>105.</b> (1) The Agency shall prepare and submit to the Governor through the Commissioner responsible for power and energy and to the House of Assembly not later than four (4) months after the end of its financial year, an annual report on the activities and operations of the Agency for the preceding financial year and shall include the Agency's audited accounts for the year under review together with the auditor's report.  (2) The Report of the Agency under subsection (1) of this section shall include a progress report with details of the implementation of the Off-Grid Electrification Strategy and Action Plan by the Agency and the utilisation of the Electrification Fund.  (3) The Agency shall publish the report submitted, on its website or other Government approved website or other means of publication approved by Government.	Reports of the Agency
<b>PART IX – POWER ENFORCEMENT UNIT AND CRIMINAL PROVISIONS</b>	
<b>106.</b> (1) The Attorney-General and Commissioner for Justice of Niger State shall, within six (6) months from the commencement of this Bill, establish an inter-agency Power Enforcement Unit in consultation with the Commission.  The Power Enforcement Unit shall consist of – (a) a Chairperson who shall be a legal practitioner of not less than ten (10) years post-call experience, appointed by the Attorney-General and Commissioner for Justice; (b) such officers of the Commission as may be designated by the Chief Executive Officer of the Commission; (c) such law enforcement officers as may be deployed to the Unit from recognised law enforcement agencies in the State;	Establishment of the Power Enforcement Unit

<p>(d) such number of legal officers from the Ministry of Justice as the Attorney-General may assign;</p> <p>(e) technical representatives of licensees who may be invited by the Unit solely for technical assistance and evidence-gathering, provided that such representatives shall not exercise enforcement or investigative powers; and</p> <p>(f) such other persons with relevant technical or professional expertise as the Attorney-General may approve for specific assignments.</p> <p>(2) The power of arrest shall be vested in the Power Enforcement Unit and any other law enforcement agents or Unit in the State.</p>	
<p><b>107.</b> The functions of the Power Enforcement Unit shall include the following :</p> <p>(a) coordinating with the Attorney-General and Commissioner for Justice in the investigation and prosecution of offences created under this Bill or any regulations made pursuant to it;</p> <p>(b) consulting with the Commission, licensees, market participants and other stakeholders in relation to electricity theft, vandalism of electricity installations, theft of electricity infrastructure and other related offences;</p> <p>(c) collaborating with the Commission in the administration and operation of the whistle-blowing scheme established pursuant to this Bill;</p> <p>(d) organising regular sensitisation and public awareness programmes on the economic, commercial and legal consequences of electricity theft and other electricity offences;</p> <p>(e) preparing and submitting to the Governor and the Commission, not later than 31st March of each year, an annual report on prosecutions and enforcement activities carried out under this Bill;</p> <p>(f) receiving and referring reports of suspected offences to the appropriate law enforcement agencies and the Commission;</p> <p>(g) supporting the protection of whistleblowers in accordance with the provisions of this Bill; and</p> <p>(a) (h) carrying out such other lawful activities as may be necessary to prevent, detect and deter offences under this Bill or any regulations made pursuant to it. .</p>	<p>Functions of the Power Enforcement Unit</p>
<p><b>108. (1)</b> A duly authorised officer of the Power Enforcement Unit may, for the purpose of preventing, detecting or investigating offences under this Bill or any regulations</p>	<p>Powers of the Power Enforcement Unit</p>

made pursuant to it, and subject to the provisions of this section and the Administration of Criminal Justice Law of Niger State :

- (a) upon the authority of a warrant issued by a court of competent jurisdiction, enter any premises where an activity is carried out without a licence or where an offence under this Bill or any applicable regulations is reasonably suspected to have been committed;
- (b) inspect and test any process, installation, works or operation found on such premises which is reasonably suspected to be connected with the commission of an offence;
- (c) search such premises and seize any device, instrument, wire, meter, apparatus or article reasonably believed to have been used or intended to be used in the commission of an offence under this Bill;
- (d) examine and seize books, records or documents reasonably required as evidence of an offence, and permit the person from whose custody such materials are seized to make copies or take extracts in the presence of the officer;
- (e) inspect any electricity service, meter or installation to ascertain whether electricity is being used unlawfully or in a dangerous manner; and
- (f) where an installation or connection poses an immediate danger to life, property or the electricity system, direct the temporary disconnection of such installation or connection, pending further investigation or remedial action.

**(2)** Notwithstanding subsection (1), a duly authorised officer may, without a warrant, enter any premises in a case of emergency where there is reasonable cause to believe that immediate entry is necessary to prevent loss of life, serious injury or substantial damage to property.

**(3)** All searches, seizures and entries under this section shall be conducted in accordance with the Administration of Criminal Justice Law of Niger State.

**(4)** Nothing in this section shall be construed as conferring authority on the Power Enforcement Unit to disconnect electricity supply for non-payment of bills or other commercial reasons.

**109. (1)** A person who, without lawful authority :

- (a) wilfully taps, makes or causes to be made any connection with any overhead, underground or underwater line, cable, service wire or service facility of a licensee;
- (b) abstracts, branches off, diverts or causes to be abstracted, branched off or diverted any electrical energy, or consumes or uses any electrical energy so abstracted, branched off or diverted;

Electricity theft

(c) disconnects or permits the disconnection of any conductor or apparatus from any electric supply line belonging to a licensee without the consent of the licensee;

(d) makes or permits to be made any alteration to an installation or permanent connection without the prior approval of the licensee;

(e) tampers with a meter or installs or uses a tampered meter, current reversing transformer, loop connection or any device or method which interferes with the accurate registration, calibration or metering of electrical energy;

(f) uses, in a case where supply is not metered, any apparatus or device other than that contracted for, or uses electricity at a time or in a manner not authorised under the applicable contract;

(g) uses or receives direct benefit from electricity obtained through any of the acts specified in paragraphs (a) to (f); or

(h) uses electricity for a purpose other than that for which supply was authorised, commits an offence under this Bill.

**(2)** A person convicted of an offence under subsection (1) is liable –

(a) in the case of an individual, to a fine of not less than five (5) times the value of the electricity used, misused or stolen or to imprisonment for a term not exceeding three (3) years or to both;

(b) in the case of a continuing offence, to a daily fine of not less than Twenty Thousand Naira (₦20,000.00); and

(c) in the case of a body corporate, to a fine of not less than seven (7) times the value of the electricity used, misused or stolen and, in the case of a continuing offence, to a daily fine of not less than Fifty Thousand Naira (₦50,000.00).

**(3)** Where the offender is an electricity consumer, the licensee may, upon the direction of the Commission, discontinue or refuse to resume supply to the premises of that consumer until such time as the Commission may determine, notwithstanding any contract previously entered into between the parties.

**(4)** The existence of artificial or unlawful means for making connection, disconnection, alteration or facilitating use or supply of electricity, where the meter, indicator or apparatus are under the custody or control of the electricity consumer, shall constitute *prima facie* evidence, unless the contrary is proved, that such act was fraudulently, knowingly and wilfully caused or permitted by the electricity consumer.

**110. (1)** A person who, without the consent or authorisation of a licensee, franchisee or permit holder –

Restoration of electricity supply

<p>(a) connects or disconnects any meter, indicator or apparatus to or from any electric line through which electricity is supplied; or</p> <p>(b) reconnects any meter, indicator or apparatus after such electric line has been cut or disconnected,</p> <p>commits an offence under this Bill.</p> <p><b>(2)</b> A person convicted of an offence under subsection (1) is liable –</p> <p>(a) in the case of an individual, to a fine of not less than three (3) times the value of the electricity used, misused or stolen or to imprisonment for a term not exceeding two (2) years or to both;</p> <p>(b) in the case of a continuing offence, to a daily fine of not less than Ten Thousand Naira (₦10,000.00); and</p> <p>(c) in the case of a body corporate, to a fine of not less than seven (7) times the value of the electricity used, misused or stolen and, in the case of a continuing offence, to a daily fine of not less than Twenty-Five Thousand Naira (₦25,000.00).</p>	<p>without consent or authorisation</p>
<p><b>111. (1)</b> A person who, without the consent of the licensee or owner, and whether for profit or not –</p> <p>(a) wilfully cuts, removes, dismantles or transfers any electric line, cable, conductor, material, equipment or meter from any tower, pole, substation, installation site or place where it is lawfully installed or stored;</p> <p>(b) stores, possesses or keeps in the person's premises, custody or control any electric line, cable, conductor, material, equipment or meter reasonably suspected to have been unlawfully removed; or</p> <p>(c) loads, conveys, carries or transports from one place to another any electric line, cable, conductor, material, equipment or meter without lawful authority,</p> <p>commits an offence under this Bill.</p> <p><b>(2)</b> A person convicted of an offence under subsection (1) is liable –</p> <p>(a) in the case of an individual, to a fine of not less than five (5) times the value of the item or items concerned or to imprisonment for a term not exceeding three (3) years or to both;</p> <p>(b) in the case of a continuing offence, to a daily fine of not less than Twenty Thousand Naira (₦20,000.00); and</p>	<p>Theft of electric lines and materials</p>

<p>(c) in the case of a body corporate, to a fine of not less than seven (7) times the value of the item or items concerned and, in the case of a continuing offence, to a daily fine of not less than Fifty Thousand Naira (₦50,000.00).</p> <p><b>(3)</b> The possession, custody or control of any electric line, cable, conductor, material, equipment or meter by a person who is not a licensee, contractor, manufacturer or a person lawfully engaged in electricity works shall constitute <i>prima facie</i> evidence, unless the contrary is proved, that the item was unlawfully obtained.</p> <p>(a)</p>	
<p><b>112.</b> The illegal possession, control or custody of transmission or distribution lines or materials by any person, natural or legal entity, not engaged in the generation, transmission or distribution of electricity, or in the manufacture of such transmission or distribution lines or materials shall be sufficient proof of theft, and such lines or materials may be confiscated from the person in possession, control or custody of the same.</p>	Theft transmission and distribution lines and materials
<p><b>113.</b> (1) A person who, wilfully and unlawfully –</p> <p>(a) destroys, damages, removes or otherwise interferes with any material, installation, equipment or infrastructure connected with the generation, transmission, distribution or supply of electricity; or</p> <p>(b) destroys, damages or removes any electricity transmission or distribution line, commits an offence under this Bill.</p> <p>(2) A person convicted of an offence under subsection (1) is liable –</p> <p>(a) in the case of an individual, to a fine of not less than five (5) times the cost of repair or replacement of the affected infrastructure, material, installation, equipment or line or to imprisonment for a term not exceeding three (3) years or to both;</p> <p>(b) in the case of a continuing offence, to a daily fine of not less than Twenty Thousand Naira (₦20,000.00); and</p> <p>© in the case of a body corporate, to a fine of not less than seven (7) times the cost of repair or replacement of the affected infrastructure, material, installation, equipment or line and, in the case of a continuing offence, to a daily fine of not less than Fifty Thousand Naira (₦50,000.00).</p>	Damage to electric infrastructure
<p><b>114.</b> (1) A person who –</p> <p>(a) wilfully and unlawfully obstructs, restrains, prevents, harasses, injures or otherwise interferes with any person lawfully engaged in the generation, transmission, system operation, distribution, trading or supply of electricity;</p> <p>(b) hinders, obstructs or interferes with the lawful exercise of the powers of a licensee or a duly authorised agent in laying, connecting, repairing, inspecting or removing any electric supply line or installation; or</p>	Hindering, interfering, obstructing and impersonation

<p>(c) impersonates, falsely represents or parades as an employee, officer or agent of a licensee or of the Commission, commits an offence under this Bill.</p> <p><b>(2)</b> A person convicted of an offence under subsection (1) is liable –</p> <p>(a) in the case of an individual, to a fine not exceeding One Million Naira (₦1,000,000.00) or to imprisonment for a term not exceeding six (6) months or to both; and</p> <p>(b) in the case of a body corporate, to a fine not exceeding Five Million Naira (₦5,000,000.00).</p>	
<p><b>115. (1)</b> The existence of any of the following circumstances shall constitute <b>prima facie evidence</b>, unless the contrary is proved, of illegal use of electricity by the beneficiary of such use –</p> <p>(a) the presence of a drilled hole on any part of a meter;</p> <p>(b) the presence of any foreign element inside a meter which could result in inaccurate reading or registration of electricity consumption;</p> <p>(c) the existence of any connection which affects the normal operation or registration of a meter;</p> <p>(d) the presence of a tampered, broken or fake seal on a meter or mutilated, altered or tampered meter recording or electronic data log;</p> <p>(e) destruction of or attempt to destroy any integral accessory of a metering device box or metering accessories;</p> <p>(f) the presence of a current reversing transformer, jumper, shorting or shunting wire, loop connection or any similar device in any part of a building or its premises under the control of the consumer or on the meter; or</p> <p>(g) mutilation, alteration, reconnection, disconnection, bypassing or tampering with instruments, transformers or accessories.</p>	Illegal use of electricity
<p><b>(2)</b> Any officer, employee or agent of a licensee or of the Commission who solicits, accepts or receives any money or other valuable consideration, or any person who offers or gives any such consideration, for the purpose of concealing, failing to report or overlooking any of the circumstances listed in subsection (1), commits an offence.</p> <p><b>(3)</b> A person convicted of an offence under subsection (2) is liable –</p> <p>(a) in the case of an individual, to a fine not exceeding Two Million Naira (₦2,000,000.00) or to imprisonment for a term not exceeding two (2) years or to both; and</p>	

<p>(b) in the case of a body corporate, to a fine not exceeding Ten Million Naira (₦10,000,000.00).</p> <p><b>(4)</b> Where illegal use of electricity is established pursuant to subsection (1), the offender shall be liable to the penalties prescribed under section 109 of this Bill.</p>	
<p><b>116.</b> (1) Where an offence under this Bill or any regulations made pursuant to it is committed by a body corporate, company, firm, corporation or association, and it is proved that the offence was committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary, chief executive officer or other similar officer of the body corporate, or any person purporting to act in such capacity, that person shall be deemed to have committed the offence and shall be liable to be proceeded against and punished accordingly.</p> <p>(2) A person referred to in subsection (1) may be charged and tried jointly with the body corporate or separately.</p> <p>(3) Nothing in this section shall render a person liable to punishment if the person proves that the offence was committed without the person's knowledge, consent or connivance and that the person exercised all due diligence to prevent the commission of the offence.</p>	Offences by incorporated entities
<p><b>117.</b> (1) Where no specific penalty is prescribed for an offence or any breach under this Bill or any regulations made pursuant to it, a person who commits such offence or breach is liable on conviction :</p> <p>(a) in the case of a first conviction –</p> <p>(i) where the offender is an individual, to a fine of not less than Five Hundred Thousand Naira (₦500,000.00) or to imprisonment for a term not exceeding six (6) months or to both; and</p> <p>(ii) where the offender is a body corporate, to a fine of not less than One Million Naira (₦1,000,000.00); and</p> <p>(b) in the case of a subsequent conviction –</p> <p>(i) where the offender is an individual, to a fine of not less than One Million Naira (₦1,000,000.00) or to imprisonment for a term not exceeding three (3) years or to both; and</p> <p>(ii) where the offender is a body corporate, to a fine of not less than Five Million Naira (₦5,000,000.00).</p>	General contraventions and penalties
<p><b>118.</b> (1) A person shall have the right to report or disclose to the Commission, in good faith and in the public interest, whether orally or in writing, any suspected violation of any provision of this Bill or any regulations made pursuant to it.</p> <p>(2) A qualifying disclosure under this section means any disclosure made in good faith and in the public interest by a person who has reasonable cause to believe that –</p> <p>(a) an offence under this Bill or any applicable regulations has occurred, is occurring or is likely to occur;</p>	Whistleblowing provisions

<ul style="list-style-type: none"> <li>(b) a person has failed, is failing or is likely to fail to comply with any legal obligation under this Bill or any applicable regulations;</li> <li>(c) any activity relating to electricity poses or is likely to pose a risk to public health or safety; or</li> <li>(d) there has been damage to, or concealment of, electricity infrastructure or property.</li> </ul> <p>(3) Upon receipt of a disclosure, the Commission shall take reasonable steps to assess and investigate the matter and, where appropriate, refer the matter to the Power Enforcement Unit, relevant law enforcement agencies and the Attorney-General and Commissioner for Justice for further investigation or prosecution.</p> <p>(4) The Commission shall keep confidential all information disclosed under this section and shall not disclose the identity of a whistleblower except as required by law or with the consent of the whistleblower.</p> <p>(5) A person shall not subject a whistleblower to any form of retaliation, harassment, intimidation, discrimination or disadvantage for making a qualifying disclosure under this section.</p> <p>(6) The Commission shall take reasonable measures to protect the life, property, reputation and fundamental rights of a whistleblower.</p> <p>(7) The Commission may, by regulations, establish an incentive scheme providing for the payment of a monetary reward of not less than One Hundred Thousand Naira (₦100,000.00), or such higher amount as the Commission may determine, to any person who makes a valid disclosure that results in the establishment of an offence or attempted offence under this Bill.</p>	
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#### PART X - HOST COMMUNITIES' DEVELOPMENT TRUST FUND

<p><b>119.</b> (1) There is established a fund to be known as the Host Community Development Trust Fund (in this Law referred to as "the Community Trust Fund") for the benefit of host communities of electricity generation facilities in the State.</p> <p>(2) There shall be set aside two percent (2%) of the annual operating expenditure for the preceding financial year by Power Generating Companies licensed by the Commission for the development of the respective host communities in the State.</p> <p>(3) The contribution under subsection (2) shall be without prejudice to any other rights, benefits or obligations accruing to host communities under this Law, any other enactment or any agreement.</p> <p>(4) Each host community shall nominate one representative of good standing to represent its interests in relation to the Community Trust Fund, subject to the approval of the Commission.</p>	<p>Establishment of Host Communities Trust Fund</p>
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<p>(5) The Community Trust Fund shall be held, managed and administered by a reputable trustee to be jointly appointed by the generation licensee(s) concerned and the host community representatives, upon the recommendation and approval of the Commission.</p> <p>(6) The trustee shall be appointed for a term of four (4) years and may be reappointed for one further term only.</p> <p>(7) The trustee may be removed upon the joint resolution of the generation licensee(s) and host community representatives, with the approval of the Commission, on grounds of misappropriation, misconduct, incapacity, conflict of interest or breach of the trust deed.</p> <p>(8) The Community Trust Fund shall be applied solely towards social and infrastructural development projects within the host communities, as may be identified by the host communities and approved in accordance with guidelines issued by the Commission.</p> <p>(9) The trustee shall keep proper accounts and records of the Community Trust Fund and shall submit annual audited accounts to the Commission, the generation licensee(s) and the host community representatives.</p> <p>(10) Where a dispute arises in relation to the administration or utilisation of the Community Trust Fund, the parties shall refer the dispute to the Commission for resolution and where the dispute is not resolved, to arbitration or a court of competent jurisdiction.</p> <p>(11) For the purposes of this section, "host community" means any community in whose land, territory or immediate environs an electricity generation facility is located and which is directly impacted by the operations of such facility.</p>	
<p><b>120.</b> (1) The Trustee of the Community Trust Fund shall maintain one or more bank accounts for the Community Trust Fund with reputable commercial banks approved by the Commission.</p> <p>(2) The signatories to the bank account of the Community Trust Fund shall be –</p> <p>(a) the Trustee; and</p> <p>(b) one accredited representative of the host communities, as approved by the Commission.</p> <p>(3) The Trustee shall keep proper books of account and records in respect of all transactions of the Community Trust Fund in accordance with generally accepted accounting standards.</p> <p>(4) The Trustee shall cause –</p> <p>(a) an estimate of income and expenditure of the Community Trust Fund for the following financial year to be prepared not later than 30th September of each year;</p> <p>(b) the accounts of the Community Trust Fund to be audited annually by external auditors appointed by the Commission from a list of auditors approved by the Auditor-General of the State; and</p>	<p>Account, Audit and Annual Report of the Host Communities Trust Fund</p>

<p>(c) copies of the following documents to be submitted to the Commission –</p> <ul style="list-style-type: none"> <li>(i) the audited accounts of the Community Trust Fund;</li> <li>(ii) the auditor's report; and</li> <li>(iii) a detailed report on the activities and financial position of the Community Trust Fund for the year under review.</li> </ul> <p>(5) The Commission shall compile and submit to the Commissioner responsible for power and energy an annual report on the activities and performance of the Community Trust Fund.</p> <p>(6) The annual report shall include the audited accounts of the Community Trust Fund and the auditor's report for that financial year.</p>	
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## PART XI – TRANSITION TO NIGER STATE ELECTRICITY MARKET

<p><b>121.</b> (1) From the commencement of this Bill –</p> <ul style="list-style-type: none"> <li>(a) any licence, permit, authorisation, 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 Bill, with such modifications as deemed necessary to ensure the attainment of the objectives of the electricity policy of the State and this Bill, provided that the Commission may –</li> <ul style="list-style-type: none"> <li>(i) require a pre-existing licensee to make necessary registration with the Commission as may be provided for in any regulations made pursuant to this Bill;</li> <li>(ii) if it deems it necessary in the public interest to do so, issue an interim licence to a pre-existing licensee for a specified period in connection with any transitional arrangements; or</li> <li>(iii) if requested by a pre-existing licensee, grant a new licence, permit, authorisation, approval, consent, direction, permission or certificate on terms and conditions consistent with the provisions of this Bill and any applicable regulation.</li> </ul> <li>(b) any regulation, guideline, order, rule, notice, code, directive, standard, bye-law or other subsidiary instrument applicable to the licence, permit, authorisation, approval, consent, direction, permission or certificate referred to in paragraph (a) of this subsection to the pre-existing licensee, which were in force immediately before the commencement date shall continue to be 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 Bill.</li> </ul>	General transitional provisions
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(2) The regulation, guideline, order, rule, notice, code, directive, standard, bye-law 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 Bill.

(3) Within at least six (6) months prior to the expiration of a license, 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 Bill.

(4) 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 Bill, 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.

(5) From the commencement date of this Bill, the Commissioner responsible for power and energy 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.

(6) The Commission may make any further transitional and savings provisions that are necessary or desirable (including agreeing to any transitional arrangement and execution of relevant agreements with NERC, NEMSA and/or the pre-existing Licensees) for the proper implementation of this Bill, provided that such provisions, arrangements or agreements are not inconsistent with the provisions of this Bill.

(7) Transitional period for the transmission of the Niger Electricity Market to more competitive trading arrangements shall be as determined by the Commission.

(8) 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.

<b>PART XII – GENERAL PROVISIONS</b>		
<b>122.</b> (1) Notwithstanding anything to the contrary in any other law, a company granted a license for the generation, transmission, or distribution of electricity shall not engage in any other business or vocation.	(2) A company granted a license for the generation, transmission, or distribution of electricity shall submit its audited financial statements to the Commission annually.	Special Provisions Relating to Generation , Transmission and Distribution Companies
<b>123.</b> The Commission shall take steps to facilitate the amicable and expeditious resolution of disputes in the Niger State Electricity Market, including through collaboration with the Niger State Multi-Door Courthouse.		Alternative Dispute Resolution
<b>124.</b> (1) A suit against the Commission or the Agency or 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 the complaint has been made.	(2) A suit shall not be commenced against the Commission or the Agency or any Commission member, officer or employee of the Commission or the Agency before the expiration of a period of thirty (30) 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.	Procedure for Cause of Action
<b>125.</b> (1) All existing electrical installations which were the property of the State or the Niger State Electricity Agency immediately before the enactment of this Bill and any future electrical installations and assets owned by the State, shall by virtue of this Bill vest in the Agency.		Transitional Provisions Applicable to the Agency

<p>(2) All undischarged liabilities and obligations of the State or the Niger State Electricity Agency in respect of any transferred electrical installation, shall from the commencement date of this Bill become the liabilities and obligations of the Agency.</p> <p>(3) Every contract, instrument or arrangement in which the State or the Niger State Electricity Agency was a party to for the construction of any transferred electrical installation shall, unless the circumstances otherwise require, have the effect from the commencement of this Bill as if the Agency had been a party to it and any reference to the State or the Niger State Electricity Agency in the contract or instrument shall be deemed to be a reference to the Agency.</p> <p>(4) From the commencement of this Bill, employees of the Niger State Electricity Agency shall be employees of the Agency on terms no less favourable to those in effect immediately prior to the transfer, and all years of service with the Niger State Electricity Agency shall be deemed to be years of service with the Agency.</p>	
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**126.** The Niger State Power Sector Law 2024 is hereby repealed.

Repeal

**127.** This Law may be cited as the Niger State Electricity Law and shall come into effect on ..... day of 2025.

Citation and Commencement