



NSERC
NIGER STATE ELECTRICITY REGULATORY COMMISSION

NIGER STATE ELECTRICITY REGULATORY COMMISSION

**INDEPENDENT ELECTRICITY DISTRIBUTION NETWORK REGULATIONS
2026**

REGULATION NO: NSERC – R – 001 - 2026

NIGER STATE ELECTRICITY REGULATORY COMMISSION

In exercise of the powers conferred on the Niger State Electricity Regulatory Commission ("NSERC" or the "Commission") to make regulations under section 11 of the Niger State Power Sector Law 2024 ('the Law') and other enabling powers, the Commission hereby makes the following regulations for Independent Electricity Distribution Network (IEDN).

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CHAPTER I GENERAL

1. Short Title

These Regulations may be cited as the Independent Electricity Distribution Network Regulations, 2026.

2. Commencement and Scope of Application

- (1) These Regulations shall come into effect on the date it is approved by a resolution of the Commission.
- (2) The Regulations shall be signed by the Chairman of the Commission, who shall cause the seal of the Commission to be affixed thereon.
- (3) These Regulations shall apply to all Independent Electricity Distribution systems, owners, operators and users in Niger State.

3. Interpretation

- (1) In these Regulations, unless the context otherwise provides,

"Law" means the Niger State Power Sector Law, 2024.

"Affiliate" means affiliate as defined in the Law.

"Business day" means a day other than a Saturday, a Sunday or a day which is lawfully declared as a public holiday by the Federal, State or Local Government in Niger State.

"Business Rules" mean the Niger State Electricity Regulatory Commission (Business Rules of the Commission) Regulations, 2025.

"The Commission" means the Niger State Electricity Regulatory Commission (NSERC).



"Common Services" means an electricity distribution network service that ensures the integrity of the distribution system and benefits all users that cannot practically be allocated to the distribution network on an individual basis.

"Connection" means the electrical equipment and materials that allow the transfer of electricity between the distribution system and an electrical system that is not part of that network and includes any transformers or switchgear at the point of interconnection that are necessary for the transfer but does not include the lines and switchgear at the connection that form part of the transmission system.

"Connection Offer" means an offer received or made to connect electrical equipment and materials that allow the transfer of electricity between the distribution system and the generator or consumer.

"Connection point" means an entry or an exit point on a distribution network.

"Connection services" means the establishment and maintenance of a connection.

"Disconnection" means to operate switching equipment so as to prevent the transfer of electricity through a connection.

"Distribution Code" means the code and guidelines for the Niger State electricity distribution system, as approved from time to time by the Commission,

"Distribution Licence" means a Licence granted pursuant to the provisions of the Law.

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"Distribution Network" means any connection of cables, service lines and overhead lines, electrical apparatus or equipment having design voltage of 33kv and below, used to transport electric power on a distribution system.

"Distribution System Operator" means an operator of the distribution system facilities consisting wholly or mainly of low voltage (less than 132kv) electric lines used for the distribution of electricity.

"Embedded IEDN" means an IEDN connected to a distribution network that is connected to the transmission system operated by the system operation licensee.

"Embedded Generator" means a Licensee generating electricity that is directly connected to and evacuated through a distribution system.

"Force majeure" means force majeure as defined by the parties in their agreement and includes natural disaster or act of God beyond human control.

"Independent Electricity Distribution Network" or "IEDN" means a distribution network not directly connected to a transmission system operated by the system operator.

"Independent Electricity Distribution Network Operator" or "IEDNo" means an IEDN operator licensed by the Commission.

"Isolated off-grid rural IEDN" means an IEDN in a rural area which is not connected to a distribution network that is connected to the transmission system operated by the system operation licensee.



"Isolated off-grid urban IEDN" means an IEDN in an urban area which is not connected to a distribution network that is connected to the transmission system operated by the system operation licensee.

"Licence" means a licence granted by the Commission under the Law.

"Licensee" means any person who holds a licence issued by the Commission.

"Market Participant" means any person who has entered into a Market Participation Agreement with the Market Operator.

"Market Rules" means Market Rules made pursuant to the Niger State Power Sector Law, 2024, in force for the time being.

"Metering Code" means the Metering Code approved by the Commission for use in measuring the flow of energy within the transmission and distribution systems.

"Regulated activity (ies)" means a licensed activity such as generation, transmission, systems operations, distribution and trading of electricity.

"Rural Area" means any area of the State not existing within 10km from the boundaries of an urban area or city and which has less than 20000 inhabitants or a population density of less than 200 per square kilometre and which is at least 20km from the nearest existing 11KV line.

"Existing Distribution Company" means a distribution company that is granted a distribution licence under the Law.

"Technical Codes" means Grid Code, Distribution Code, Metering Code, Health and Safety Code and other codes

approved by



the Commission for the technical regulation of the Niger State electricity market.

"Use of system services" means an electricity distribution network service provided to a user of the distribution system for the transportation of electricity that can be reasonably allocated to a user on an individual basis.

"User" means any person using the distribution system of a licensee; and

"Urban Area" means the boundaries of an area or city in Niger State as determined by the Governor of Niger State.

- (2) Unless otherwise specified in these Regulations,
- a. words importing any one gender includes the other gender and the singular includes the plural and vice versa;
 - b. words or expressions used in these Regulations but not defined shall have the same meanings respectively assigned to them in the Law;
 - c. any reference to a statute or statutory provision includes a reference to that provision as amended, re-enacted or replaced and any regulation or order made under such provisions from time to time; and
 - d. if the date on which an event is scheduled to occur by these Regulations is a day which is not a business day, then the event shall be deemed to occur on the next business day.

CHAPTER II

CHARACTERISTICS OF INDEPENDENT ELECTRICITY DISTRIBUTION NETWORKS

4.(1) An Independent Electricity Distribution Network (in these Regulations referred to as 'IEDN') may be anyone of the following:

- (a) isolated off-grid rural IEDN;
- (b) isolated off-grid urban IEDN; or
- (c) embedded IEDN.

(2) The Commission may require an IEDN to have a generator in its network.

(3) Where an embedded IEDN does not have a generator, it shall enter into service agreement with the Distribution Company supplying electricity to the IEDN.

(4) Where the embedded IEDN has a generator, the generator shall be regarded as embedded in the Distribution Company to which the IEDN is connected.

5. (1) The Commission may grant a licensee the exclusive right to construct, own, operate and maintain a distribution system in a designated geographical area within the area of operation of an existing Distribution Company in the State.

(2) An applicant for an IEDN licence shall submit to the Commission an accurate description of its proposed distribution system, including geographical description in the prescribed form.

6. (1) An affiliate of the IEDN may on application, be licensed to engage in other regulated activities provided the Commission is satisfied that the applicant will not abuse the market power to the detriment of consumers or that appropriate safeguards exist to prevent any abuse.



(2) Pursuant to sub-section (1) of this section, the IEDN licensee and its licensed affiliates shall prepare separate accounts for each of its licensed activities as may be required under the Companies and Allied Matters Act as if each activity was carried on by a separate company.

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CHAPTER III
GRANT OF LICENCES

7. (1) The Commission may grant a licence to an IEDN who has satisfied the requirement for the grant of an electricity distribution license to construct, own, operate, manage and maintain an electricity distribution system.

(2) The commission may grant a licence where it is satisfied that there is no existing distribution system within the geographical area to be served by the proposed IEDN.

(3) Where the infrastructure of an existing distribution licensee is unable to meet the demand of customers in the area, the IEDN Operator shall –

(a) undertake in writing that the facility of the existing distribution licensee will not be used in its operations;

(b) ensure that there are no parallel overhead lines to the existing facility;

(c) ensure the safety of equipment, workers and the public;

(d) ensure that the minimum distribution capacity of the Independent Electricity Distribution Network Operator ("IEDNO") shall be 5000kW, and

(e) show the ability to provide generation capacity for the IEDN.

(4) Notwithstanding the provisions of subsection (1) of this section, the Commission in making a decision on an application for a licence shall consider if the grant of an IEDN license as proposed, will -

(a) maximise access to electricity services; or

(b) reduce distribution congestion for the benefit of consumers.



8. (1) The Regulations on licensing, including its amendments and statutory re-enactments shall govern all requests for license and related proceedings before the Commission.

(2) A person shall not be eligible for the grant of a licence to construct, own, operate or maintain an IEDN unless the person satisfies the requirements for application for a distribution licence as prescribed by Regulations on License Application for Electricity Generation, Transmission, System Operations, Distribution, Integrated Utility and Retail, 2025 or any other Regulations as may be made by the Commission from time to time.

(3) The Commission may consider the expansion plan of the existing distribution companies in the State in assessing the application for IEDN licence.

9. (1) A licensee shall construct, operate and maintain its distribution system in accordance with the relevant Technical Codes and standards.

(2) A licensee shall during the validity of the licence, maintain insurance policies, the adequacy of which must be certified by the Commission.

(3) In the case of an embedded IEDN licensee whose distribution system is connected to the network owned and operated by an existing distribution company or the holder of a transmission license, the IEDN licensee shall comply with the directions as may be issued from time to time by the System Operator for maintaining the integrity of the network.

(4) A licensee shall comply with the provisions of the Law, terms and conditions of the licence, the rules and regulations, as well as the decisions, orders and directions of the Commission.

(5) A licensee shall provide non-discriminatory open access to its distribution system for use by any other licensee, provided that it has the capacity to do so.



(6) A licensee shall pay the licence fee in accordance with the Commission's Regulations on License Application for Electricity Generation, Transmission, System Operations, Distribution, Integrated Utility and Retail, 2025 or other Regulations as may be made by the Commission from time to time.

(7) A licensee shall comply with all other Regulations, including any Regulations specified by the Commission regarding the utilisation of the distribution assets for a business other than distribution of electricity.

10. A licensee shall –

(a) maintain separate accounting records for each distribution business, including the business of utilizing the assets of the distribution system, in such a form and containing particulars that may be specified by the Commission and in accordance with the applicable provisions of the Companies and Allied Matters Act, 2020; and

(b) prepare from the records, accounting statements for each financial year comprising a profit and loss account, a Business Sheet and a statement of source and application of funds together with notes thereto and showing separately, the amounts of any revenue, cost, asset, liability, reserve or provision which has been either –

(i) charged from or to any other business together with a description of the basis of the charge; or

(ii) determined by apportionment of allocation between the various business activities together with a description on the apportionment or allocation.

(c) get the accounting statements prepared in accordance with the foregoing provisions, duly certified by an auditor in respect of such financial year, stating whether in the opinion of the auditor,



the statement has been properly prepared and given a true and fair view of the revenue, costs, assets, liabilities and reserves reasonably attributable to the business to which the statement relates.

11. Any person authorised by the Commission and inspectors appointed pursuant to the provisions of the Law, shall inspect and verify the accounts of a licensee at any reasonable time and the licensee is under obligation to render all necessary assistance to the person so authorized to inspect its accounts.
12. A licensee shall submit information as may be required from time to of time to the Commission or system operator for the purpose of carrying out the responsibility of supervision and control of the Network under the Law.



CHAPTER IV

OPERATION OF THE DISTRIBUTION NETWORK

13. (1) A licensee shall design, construct, test, commission, manage and maintain its distribution network system and related facilities in compliance with the technical codes, standards, terms and conditions of its licence and in accordance with any other standards of design, construction and maintenance as may be prescribed by the Commission from time to time.
- (2) When there is any inconsistency between these Regulations and the Technical Codes, the provisions of the Technical Codes shall prevail.
14. (1) An IEDN operator shall observe good construction and maintenance practice as provided in the Distribution Code to curtail network losses within allowable range as set out by the Commission.
- (2) Losses above the Tariff Regulations limit, shall not be passed through to the customer.
15. (1) A licensee may interrupt or curtail the transfer of electricity to or and from a connection or the provision of an access service in respect of a connection in accordance with the Distribution Code, the connection agreement, and the terms and conditions of the distribution licence.
- (2) The interruption or curtailment referred to under subsection (1) of this section, shall include the following –
- (a) carrying out planned improvement, maintenance, testing or repair of that part of the distribution system used to provide access service in respect of the connection or which has the ability to transfer electricity to or from a connection, the plant or equipment used to provide the access in respect of the connection;



(b) carrying out unplanned maintenance, testing or repair of the distribution system or a part of it, which may affect the provision of access service;

(c) where the provision of access service will be affected by a breakdown or damage to the distribution system or a part of it; or

(d) where a force majeure event occurs which affects the licensee's ability to transfer electricity to or from the connection or to provide the access service.

(3) A licensee shall –

(a) give users a minimum of 10 working days' prior notice of any planned maintenance, testing or repair on the user's connections under these Regulations, and may require interruption to or curtailment of the transfer of electricity to or from or the provision of an access service to one or more of the users' connections under these Regulations;

(b) liaise with the user concerning the timing of that planned maintenance, testing or repairs; and

(c) promptly notify a user of any unplanned interruption or curtailments to the transfer of electricity to or from or the provision of an access service to one or more of the user's connections under these Regulations.

(4) Subject to the provisions of section 15 (2) of these Regulations, a licensee has no responsibility to inform any person of any interruption or curtailment to the transfer of electricity to or from, or the provision of an access service to a connection.

(5) Where a licensee notifies a user of any interruption to, or curtailment of the transfer of electricity to or from the provision of an access service to a connection, the user shall -



(a) comply with any requirements concerning the interruption or curtailment set out in the notice; and

(b) ensure that any person taking supply of electricity through the connection also complies with those requirements, if the connection is an exit point.

16. (1) An IEDN shall sign connection agreement with every user who accepts to connect to it.

(2) In providing new connection, the IEDN shall connect and install the relevant customer meter in accordance with any Regulations, Orders or Directives issued by the Commission in respect of connection and disconnection procedures for electricity services.

(3) An IEDN shall provide meters to new customers.

(4) Connection charge to customers shall be at the rate approved by the Commission.

(5) An IEDN shall obtain the Commission's review and approval on connection charges for each class of customer and the connection charges shall be cost based.

(6) The provision of service by a licensed IEDN shall be disconnected at the request of a customer.

(7) In addition to the provisions of these Regulations, the procedure for connections and disconnection shall be as prescribed in any other Regulations, Orders and Directives issued by the Commission in respect of connections and disconnections procedure for electricity services.

(8) In off-grid rural and off-grid urban IEDN, the IEDNO shall be responsible for the procurement, certification, installation, maintenance and vending of all meters in its network.



(9) A licensee shall prepare meter maintenance schedule as approved by the Commission.

(10) In embedded IEDN, the existing distribution company connected to the embedded IEDN shall be responsible for the procurement, certification, installation, maintenance and vending of all meters in the embedded IEDN.

17. (1) For every 20MW generating unit, a 33KV medium distribution voltage shall be used for evacuation to the IEDN.

(2) For Embedded IEDN, embedded generating units above 5MW shall comply with the provisions of the Grid Code.

(3) Embedded generating units of more than 1MW but lower than 6MW shall be connected on 11KV networks of the IEDN.

(4) Embedded generating unit above 5MW and 20MW or less shall be connected on 33KV networks of the IEDN.

(5) A distribution licensee shall publish its policies, procedures, technical requirements, commercial arrangements, connection procedures and the standard charges associated with the connection of a generating unit to its distribution system.

(6) The general requirements for connection of a generator to IEDN shall be as specified in any regulatory instrument in respect of electricity distribution approved by the Commission.

(7) An IEDN licensee shall discuss the general requirements for connection of generators to the distribution networks specified in any regulatory instrument in respect of electricity distribution and any other requirement which may be applicable to IEDN and approved by the Commission.



(8) An IEDN licensee shall be relieved of its obligation to connect a generating unit in the event that the Embedded Generator is unable or unwilling to fulfil the general requirements as set out in these Regulations.

(9) In the event of being aware of a breach of these Regulations, the IEDN licensee shall notify the Commission, the Embedded Generator and any other person directly affected, of the breach and shall advise all affected persons of the IEDN licensee's policy and procedures for handling disputes.

(10) The generator or anyone directly affected may also report a breach of these Regulations to the Commission.

(11) The distribution licensee shall comply with the Distribution Code, and the Health and Safety Code approved by the Commission.

(12) In addition to the above listed requirements, operators of Renewable Energy Power System shall ensure that where storage is not required, flexible generation shall exist to allow the intermittent and uncertain power to be absorbed into the network on a priority basis.

(13) During commissioning, the generator shall provide the IEDN licensee with a written test report and proof of compliance with provisions of the Distribution Code, Metering Code and the Health and Safety Code approved by the Commission.

18. (1) Where a licensee is satisfied that it is necessary for public safety or the security of the distribution system, the licensee may direct a user to do anyone or more of the following –

(a) establish or remove a connection;

(b) disconnect a connection;



- (c) take a plant or equipment out of service;
- (d) call a plant or equipment into service;
- (e) commence operation of any plant or equipment;
- (f) maintain, increase or reduce generation or absorption of active or reactive power output by any plant or equipment;
- (g) shut down or vary operation of any plant or equipment;
- (h) shed or restore load; or
- (i) do any other act or thing necessary to be done to give effect to the provisions of these Regulations.

(2) A direction under subsection (1) of this section, shall specify the duration within which it shall be complied with.

(3) Where a user fails or neglects to comply with a direction under subsection (1) of this section, a licensee may authorise any of its employees or any other person to carry out the direction and the user shall carry out any request by the authorised person that would assist him in carrying out the direction.

19. (1) Each licensed IEDNO shall operate in the geographical area specified in its licence.

(2) A licensed IEDNO may enter into agreement to provide open access to a licensed generator, distributor or transmission company which shall be approved by the Commission in line with the provisions of standard network agreements.

(3) Where augmentation or interconnection with the facilities of –



(i) a Transmission System is required, the System Operator shall coordinate the scheduling of such activities with all licensees that would be impacted by such activities,

(ii) a Larger Distribution System is required, the distribution licensee of the larger size (in KVA) Distribution System shall coordinate the scheduling of such activities with all licensees that would be impacted by such activities,

(iii) another IEDN of similar size (in KVA) is required, the IEDN giving the access shall coordinate the operations.

(4) The agreement in subsection (3) of this section, shall be subject to the approval of the Commission.

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CHAPTER V
TARIFF, DISTRIBUTION FEES AND CHARGES

20. (1) The tariffs, fees and other charges due for access to the distribution network shall be determined in accordance with the methodology or scale of distribution charges approved by the Commission pursuant to the provisions of the Law.

(2) Notwithstanding the provisions of subsection (1) of this section, a licensee may propose to the Commission, charges, tariffs and tariff methodologies outside the limit of the provisions of the Law, where there are special circumstances requiring it to do so.

(3) Where an IEDN licensee cannot undertake the re-enforcements and extension needed to evacuate the power generated into the network, the Connection Agreement shall provide for the recovery of the cost incurred by the Embedded Generator for any re-enforcements or extension executed based on an agreed timeline.

(4) Where users of an IEDN contribute to the provision of the distribution infrastructure, the contribution shall be taken into account in the determination of the end use tariff.

(5) Where a generator supplies electric power to an IEDN, the procurement process shall be competitive and in accordance with the provisions of electricity and ancillary services procurement guidelines approved by the Commission.

(6) The Commission shall determine the Feed-in-Tariff to be applied to the renewable power supply system connected to an IEDN.

(7) Where the situation warrants and the parties agree, the Commission may, upon proper documentation, grant consent to a distribution licensee to appoint an Embedded IEDN as agent to undertake part of the distribution licensee's regulated functions.



(8) Eligible customers connected to an IEDN shall pay a Distribution Use of System Charge to the IEDNO.

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CHAPTER VI

MISCELLANEOUS

21. (1) Where the Commission on the basis of any evidence in its possession is satisfied that the distribution licensee is contravening or is likely to contravene the terms and conditions of its licence, it shall serve an Order to the licensee to do or not to do the things that are specified in the Order for the purpose of rectifying or avoiding the contravention or threatened contravention of any terms or conditions of the licence.

(2) The Order referred to under subsection (1) of this section, shall specify the period within which the licensee shall rectify, remedy or avoid the contravention or threatened contravention of the term or condition of the licence.

(3) Where no compliance is made at the expiration of the period specified in the Order by the licensee, the Commission shall proceed to enforce the Order through the enforcement mechanisms as may be established from time to time by the Commission.

22. (1) All customer complaints shall be resolved in accordance with the Commission's Regulations on Customer Complaints, Standards and Handling Procedure.

(2) Unresolved customer complaint by an IEDN shall be referred to the forum office within the closest proximity to the IEDN operational area.

(3) The provisions of the regulations on Customer Services Standard of Performance for Distribution Companies relating to reconnection of supplies and metering services shall apply to an IEDN.

23. All proceedings before the Commission under these Regulations shall be governed by the Business Rules of the Commission.



24. Disputes between market participants shall be resolved in line with the dispute resolution mechanism established by the Commission.
25. The Commission may amend or repeal in whole or in part, the provisions of these Regulations.

**THE COMMON SEAL OF
THE NIGER STATE ELECTRICITY REGULATORY COMMISSION**
was affixed pursuant to the Order of the Commission

Dated this **26th** Day of **January**2026



**ENGR. MOHAMMED SHARU, FNSE
CHAIRMAN/CHIEF EXECUTIVE OFFICER**