

THE ENERGY AND WATER UTILITIES REGULATORY AUTHORITY

(EWURA)

COMPLAINT NUMBER EWURA/33/1/138

BETWEEN

MR. RAMADHANI A. NYONI COMPLAINANT

VERSUS

TANESCO RESPONDENT

AWARD

(Made by the Board of Directors of EWURA at its 99th Extra-Ordinary Meeting held at Dar es Salaam on the 9th day of August 2012)

1.0 Background Information

On 22nd February 2012, Mr. Ramadhani A. Nyoni of Namtumbo Songea ("the Complainant") filed a complaint through the Ministry of Energy and Minerals (MEM) against Tanzania Electric Supply Company Limited, (TANESCO) ("the Respondent") disputing the Respondent's instructions to pay an additional connection fee of TZS 450,000.00 whilst he is an existing customer. The Ministry forwarded the matter to EWURA for further action.

The Complainant claims that the Respondent passes bare and live conductors over the house belonging to his deceased wife. The Complainant's late wife was advised by the Respondent some years ago that due to existence of the bare live conductors over the house, such house was in danger of catching fire if the trees outside the house were not cut. The Complainant said that his wife instructed the Respondent's staff to remove the bare conductors and replace them with insulated conductors. The Complainant further claims that, in response to his late wife's request, the Respondent's staff disconnected power from her house and further

removed the conductors together with the meter, promising to replace them with insulated conductors. Respondent's promises were never fulfilled. The Complainant stated that a few months later, the Respondent served them with a bill of TZS 74,194.85 which was not objected, but payment of it was to be done after the house has been re-connected with power.

The Complainant claims to have written several letters to the Respondent with no response. The Respondent demanded a full settlement of the outstanding bill amounting to TZS 97,834.85 as a condition to re-connect power to the house. The Complainant further states that shortly after he has settled the outstanding bill as demanded, the Respondent demanded another re-connection fee of TZS 8,260.00 which he also paid but no power was restored. The Complainant claims that the Respondent demanded the payment of a new connection fee of TZS 450,000.00 before power can be restored and the Complainant, under protest, paid only TZS 90,000.00.

On its part the Respondent claims that the Complainant's power was disconnected on 31st May 1999 following failure by the Complainant to pay his bills amounting to TZS 74,194.85. The Respondent claims that according to its By-Laws, any customer who fails to pay an outstanding bill over a period of three months, then the Respondent has the right to disconnect power and remove the meter. If no payment is effected for another three months, the Respondent has the right to remove the service line. The Respondent stated that the Complainant's meter and service line were removed as per the By-Laws and subsequently, the Complainant was no longer considered as the Respondent's customer. The Respondent admitted to have collected from the Complainant the re-connection fee of TZS 8,260.00 and further states that such collection was done by mistake.

The Respondent further denies the allegation that its staff passed bare live conductors over the roof of the Complainant's house. Additionally, the Respondent states that the Complainant constructed the servant's quarters first and applied for power connection and thereafter went on with the

construction of the main house which was done under the already existing live conductors.

Efforts were made by the Complaints Unit to mediate the parties and the mediation meeting was held on 18th and 19th May 2012. During mediation the parties reached an amicable settlement, whereby it was agreed that:

- (a) the Complainant shall pay 50% of the remaining connection fee amounting to TZS 180,000.00 instead of the actual remaining amount of TZS 360,000.00;
- (b) the Complainant shall, prior to being connected with power by the Respondent, inspect his premises' wiring system using a recognized electrical inspector, undertake the necessary renovations and submit the wiring plan to the Respondent for approval;
- (c) the re-connection fee of TZS 8,260.00 paid to the Respondent shall be credited to the Complainant's account; and
- (d) the matter be now closed and each party is satisfied.

The above points of agreement were reduced into writing as required by Rule 4 (6) of the EWURA (Complaints Handling Procedure) Rules, GN. No 30/2008 and contained in the attached Settlement Form.

2.0 Decision

The parties have reached an agreement and we, under the provisions of Rule 4 (6) of the EWURA (Complaints Handling Procedure) Rules, GN. No 30/2008, hereby register as the Award of the Authority, the agreement contained in the Settlement Form attached hereto.

Each party shall bear its own costs in pursuing this matter.

GIVEN UNDER SEAL of the Energy and Water Utilities Regulatory Authority (EWURA) in Dar es Salaam this 9th day of August 2012.



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Mr. Haruna Masebu