



EKITI STATE WATER AND SANITATION REGULATORY AGENCY (EK-WASRA)

QUALITY OF SERVICE REGULATIONS

July, 2021

EKITI STATE WATER SUPPLY REGULATORY AGENCY

Quality of Service Regulations, 2021

In furtherance of the powers conferred on the Ekiti State Water and Sanitation Regulatory Agency (EK-WASRA) pursuant to Section. 67 of the Ekiti State Water, Sanitation and Hygiene (WASH) Law, 2021, the Agency hereby makes the following Regulations:

PART I—GENERAL PROVISIONS

1. Interpretation

(1) Unless the context otherwise requires, terms and expressions used herein have the meanings given below.

“Agency”	means the Ekiti State Water and Sanitation Regulatory Agency;
“consumer”	means any person who is supplied with water and includes any person who applied to be supplied with water from any waterworks or any person who otherwise uses water and is liable for the payment of water rates, rents or charges but does not deliver or resell the service to others including an end user in an informal settlement;
“consumer service agreement”	means an agreement between a Service provider and consumers specifying the rights and duties of the Water Services Provider and the consumer;
“day”	means a calendar day, unless otherwise stated;
“law”	Law means Ekiti State Water, Sanitation and Hygiene Law 2021
“month”	means a calendar month;
“meter”	means any appliance or device supplied by Water Service Provider to measure, ascertain or regulate the amount of water taken or used from the licensee’s supply;

“potential Consumer”	means an applicant who applies for a water service connection with the Water Service Provider, and where the application process is not completed
“Regulations”	means the Ekiti State Water Supply and Sanitation (Quality of Service) Regulations of 2021;
“schedule”	means a schedule appended to these Regulations;
“service”	means a system of pipes and fittings in any premises;
“tariff”	means the price per unit of services supplied by a Water and Sanitation Service Provider;
“technical and operational codes”	means the codes governing the technical operations of utilities including the Water Distribution and Supply Code
“Water / Sanitation Service Provider or Provider” or “WSP”	the State water and Sanitation agencies acting in that capacity and any other Person who provides water services to consumers or other water service providers with or without the responsibility to collect

2. Application

(1) These Regulations shall apply to the State water / sanitation agencies at capacity and any other Person who provides water / sanitation services to or other water/sanitation service providers with or without the responsibility to Tariffs that may be due and includes a Water / Sanitation Services Intermediary referred to as a Water / Sanitation Services Provider (“WSP”)

(2) Where a conflict occurs between these Regulations and any Technical Codes developed by the Agency, the Technical Codes shall prevail.

3. Objectives

The objective of these Regulations is to ensure the provision of the highest quality of water / sanitation services to consumers by WSPs.

4. Service Agreements and Charters

A WSP shall file for approval by the Agency a Consumer Service Charter or a template Service Level Agreement (SLA) specifying the rights and duties of the WSP and the Consumer as well as the levels of service to be provided to consumers in accordance with these Regulations.

5. Confidentiality

- (1) A WSP to whom confidential information is provided in the course of application for service shall—
 - a. not divulge or give access to that confidential information to any person except as permitted or obliged under these Regulations or any other law; and
 - b. only use or reproduce the confidential information for the purposes for which it was provided under the Regulations or any other law, or for a purpose consented to by the person making the disclosure.
- (2) For the purposes of regulation 5(1), confidential information means—
 - a. information about any person other than his or her place of birth, citizenship, civil status, occupation, place of residence and work; and
 - b. information about technical arrangements and undertakings and conduct of business which for competitive reasons will be vital to keep secret.

PART II—CONSUMER RELATIONS

6. Information to Consumers

Each Water Service Provider shall provide consumers with an information packet containing the following —

- (a) the consumer's right to information about tariffs and terms of service and how to obtain such information;
- (b) if applicable, the consumer's right to have his or her meter checked and how the consumer can exercise such right;
- (c) the time allowed to pay outstanding bills;

- (d) any amount outstanding on a consumer's bill, and the time remaining before disconnection;
- (e) any minimum payment or action needed to be taken by a consumer in order to avoid discontinuance of service.;
- (f) grounds for discontinuance of service;
- (g) the number of days the WSP must wait before terminating the service;
- (h) the minimum payment required to avoid disconnection of service;
- (i) how the consumer can resolve billing disputes with the WSP;
- (j) steps necessary to have service reconnected after involuntary discontinuance;
- (k) the appropriate authority with whom to lodge a complaint and how to contact them;
- (l) the hours, addresses and telephone numbers of offices where bills may be paid and where related information may be obtained; and
- (m) the consumer's right to be instructed by the WSP on how to read his or her meter and the process by which the consumer may exercise such right.

7. Consumer complaints and dispute resolution

- (1) If a consumer is dissatisfied with the quality of service provided by a WSP, he or she may submit a complaint in writing or verbally to the WSP to have the complaint solved.
- (2) The WSP shall conduct an investigation of every complaint submitted within one week of receiving the complaint and advise the complainant in writing of the results of the investigation.
- (3) The WSP shall keep a record of all complaints, indicating:
 - (a) the name and address of the complainant;
 - (b) the location of problem or query, account, connection number, properties affected and so forth;
 - (c) the date the matter complained of arose;
 - (d) details of the problem or query such as pressure measured and

action taken to resolve problem;

(e) the name of person entering the record; and

(f) the date of complete resolution of problem.

(4) After lodging a complaint with the WSP, if a consumer is not satisfied with the WSP's response to the complaint, the consumer may refer it to the Agency, for resolution in accordance with the Agency's Consumer Complaints Procedures.

8. Consumer Education

The WSP shall have the responsibility of educating the consumers on issues relating to

- a. the efficient use of water and conservation
- b. consequences of illegal connections and tampering;
- c. reconnections, modifications, repairs, etc.;
- d. the use of unauthorized / inappropriate devices;

PART III—CONNECTION OF CONSUMERS

8. New Connections

- (1) A WSP shall provide, install and maintain the necessary equipment required for the supply and sale of water to consumers.
- (2) The supply shall be connected through an appropriate service connection and protective device that accords with the "Code of Practice" for the connection to water services approved by the Agency
- (3) The WSP shall provide the application form for a new connection and the form shall be simple, and have terms and conditions which are stated in plain English and may also be translated to any other Language if deemed necessary for the benefit of the Consumer.
- (4) On receipt of the Potential consumer's application form, the WSP shall first provide the estimate and charges for the connection within—
 - a. Two working days if the connection is to be made from an existing

- water supply pipeline; or
 - b. Five working days, if the connection requires an extension of existing water supply pipeline.
- (5) After the potential consumer pays the required charges, the WSP shall provide supply within—
- c. Five working days if the connection is to be made from an existing water supply pipeline; or
 - d. Two weeks if the connection requires an extension of existing water supply pipeline.
 - e. Provided that where no service is initiated within the prescribed period without reasonable cause, then the WSP shall be liable to pay such fine as shall be imposed by the Agency.
- (6) Where, with the approval of a WSP, a consumer finances the development of part of the WSP's distribution system, the consumer shall be entitled to a refund of the investment from the WSP when the WSP subsequently connects other consumers to the privately financed part of the water distribution system.
- (7) A WSP shall establish and submit in writing to the Agency for approval, procedures for making the refund stipulated in 8(6).

PART IV—DISCONNECTION AND RECONNECTION

9. Disconnection of Service

- (1) A WSP shall not disconnect the supply to a consumer except in accordance with procedures approved by the Agency.
- (2) Without limiting the effect of sub-regulation (1) the WSP may disconnect the consumer's supply in the following circumstances:
 - a. failure to comply with the terms and conditions of the contract or supply agreement;
 - b. if the consumer has not paid the amount correctly billed to his address by the relevant date; provided that:
 - (i) the payment date is clearly shown on the bill;
 - (ii) *the payment date is at least one month from the date of delivery of the bill to the supply address or a delivery address provided by the Consumer, which is*

- acceptable to the WSP;
 - (iii) the payment date has not been superseded by a subsequent payment date issued to the same Consumer at the same supply address;
 - (iv) the WSP has clearly verified in its record that the bill has not been paid;
 - (v) the WSP has given a written warning to the consumer that the water supply shall be disconnected if payment is not made within the payment period;
 - c. if the consumer has violated the WSP's rules pertaining to the use of service in a manner which interferes with the service of others;
 - d. if the consumer uses sub-standard equipment and if he has been notified on the same and given reasonable opportunity to remedy the situation;
 - e. if the consumer has tampered with or has by-passed the WSP's meter or equipment;
- (3) The WSP shall notify the consumer in writing about the intention to disconnect the service at least five (5) working days before the disconnection.
- (4) Whenever the WSP disconnects water supply to a consumer's premises, the WSP shall leave a written notice of disconnection informing the consumer of the following:
- a. the date and time of disconnection;
 - b. the reason for disconnection;
 - c. the actions to be taken by the consumer to have the water supply reconnected; and
 - d. the contact address and telephone number of the WSP.
 - e. A list of items removed in the disconnection process
- (5) The WSP has the right to disconnect the consumer without notice if:
- a. the consumer is connected to the provider's network illegally;
 - b. the WSP considers a consumer's installation unsafe and may affect the network reliability and/or the quality of supply to other consumers;
 - c. the consumer has tampered with or has by-passed the provider's meter or equipment

- (6) The WSP shall not carry out disconnections for consumers under sub-regulation (2) above, if payment points and reconnection facilities are not available to reconnect the service within the next twenty four (24) hours after the reasons for the disconnection have ceased to exist.
- (7) The WSP is prohibited from disconnecting supply to a hospital or a medical facility and to other consumers in the following circumstances:
 - a. for non-payment on weekends or public holidays;
 - b. for non-payment where:
 - (i) the consumer has entered into payment arrangement with the provider and payments are being made in accordance with the arrangement;
 - (ii) the consumer has made a complaint concerning the unpaid bill in accordance with the WSP or the Agency's complaint procedure and the complaint remains unresolved;
 - c. for non-payment of a bill for a service other than water supply;
- (8) A consumer may request disconnection of supply to his or her premises.
- (9) Where the consumer so requests the disconnection, the water provider shall disconnect the supply in accordance with the request, provided that the provider has conducted investigations and confirmed:
 - a. that the consent of the other occupants of the premises has been obtained;
 - b. the alternative source of supply proposed to be used by the consumer/Household;
 - c. evidence that appropriate permit has been obtained and charges paid in the event that the alternative source is groundwater abstraction through boreholes.
- (10) The water provider shall not bill a consumer for any period after the date on which the water supply to the consumer's premises should have been disconnected in accordance with the provisions of regulation 9(9), unless, the provider can prove that the consumer utilized the service.

10. Special protection for vulnerable customers

- (1) Notwithstanding any provisions of these Regulations to the contrary, the special protection provided under this Regulation shall apply as specified herein.
- (2) Where there is failure to pay a water bill for water supplied to a consumer's premises and the WSP is aware that the Consumer and all adults living with him fall within a category of persons that the Regulatory Agency has by Order declared to be vulnerable Persons, the WSP shall contact the consumer and endeavour to agree on a payment arrangement with the consumer except that where such an arrangement cannot be arrived at or made, the WSP shall continue to supply water to the customer's premises for a further period of thirty days from the date of any scheduled disconnection.
- (3) Payment of Rates by such vulnerable persons shall be in accordance with any Government Subsidy Program Scheme.

11. Penalties for wrongful disconnection

Where any WSP disconnects water supply to a consumer's premises in violation of these Regulations, the Agency may by Order direct such WSP to pay the customer a penalty as stipulated in the table in Schedule 1 for each, or part of a day that the supply is wrongfully disconnected.

12. Reconnection of Service

- (1) The water provider shall reconnect water supply to the consumer in the following circumstances:
 - a. where a consumer, disconnected for non-payment of water bill pays off the due amount and other provider's charges involved or enters into an acceptable payment arrangement with the provider;
 - b. where a consumer, disconnected for theft of water or illegal connection, formalizes the water supply arrangements to the satisfaction of the provider and pays all charges owed to the provider or enters into an acceptable payment arrangement to pay the charges;
 - c. if a consumer, disconnected for dangerous or unsafe installations, rectifies the situation and the installation is certified by an

- authorized qualified person in accordance with the provider's requirements;
- d. if a consumer, disconnected for failure to provide access to the meter on his premises, provides access or makes reasonable access arrangements and pays necessary reconnection fee;
- (2) The reconnection shall be effected as promptly as possible and not later than the first working day after the account has been settled satisfactorily and the reconnection fee has been paid or the misconduct which caused the disconnection is no more.

PART V—WITHDRAWAL OR DISCONTINUANCE OF SERVICE.

13. Discontinuance of Service

- (1) A WSP shall not withdraw or discontinue service to a consumer except in accordance with these Regulations or with the express prior written approval of the Agency in other cases not covered herein.
- (2) Except in emergency situations, an application to withdraw or discontinue service shall be filed with the Agency at least sixty (60) days prior to the proposed date of withdrawal or discontinuance of service.
- (3) The application under sub-regulation (2) above shall state the following—
- a. the number of directly affected consumers in each class;
 - b. the names and addresses of all directly affected Consumers;
 - c. the specific reasons for the proposed withdrawal; and
 - d. the alternative water sources available to the affected consumers.
- (4) The WSP shall send a copy of the application to all directly affected consumers simultaneously with the filing of the application to abandon service with the Agency.
- (5) Directly affected consumers shall be given a time frame of not less

than thirty (30) days from receiving the water provider's application to lodge their representations.

- (6) In emergency situations, the WSP shall file an application to abandon or discontinue service at the earliest possible time after the WSP becomes aware that the abandonment or discontinuance is necessary.

PART VI—BILLING

14. Billing in respect of Services received

- (1) A water provider shall deliver bills for water service to consumers monthly, unless otherwise determined by the Agency.
- (2) A consumer's bill shall show the following information—
- a. the date of the most recent meter reading,
 - b. the kind of units billed;
 - c. the number of units billed;
 - d. the rate per unit;
 - e. the total base bill;
 - f. an itemization and total of any adjustments to the base bill;
 - g. the amount of adjustment per billing rate;
 - h. the date by which the consumer must pay the bill;
 - i. the total amount due before and after any discount for prompt payment within a designated period;
 - j. in the case of an estimated bill, the words, "This is an Estimated Bill" in fourteen point font;
 - k. any arrears based upon past non-payment or partial payment; and
 - l. the full amount required to settle the entire bill, including arrears and any discounts that may apply.
- (3) A water provider shall include, as part of its Consumer Service Agreement a standard format for bills to be rendered.

15. Measured and estimated billing

- (1) The water provider shall charge the consumer for volumes of water that have been measured by a meter.

- (2) The provider may use an estimated consumption for billing up to six months, only where
 - a. the consumer's meter is not functioning;
 - b. the meter is faulty and is registering incorrect consumption;
 - c. an existing meter has been tampered with; or
 - d. access to the premises is denied for any reason including safety, bad weather, industrial action, or locked premises.
- (3) The provider shall include, as part of its Consumer Service Agreement a methodology for estimated billing.

16. Disputed bills

- (1) Where there is a dispute between the consumer and the water provider regarding the bill, the provider shall make an investigation and report the results in writing to the consumer within one week of receiving notice from the consumer that he or she is disputing the bill.
- (2) When the dispute is not resolved within one month, the provider shall inform the consumer of the complaints procedures of the Agency as provided in regulation 7(4).
- (3) The provider shall not require the consumer to pay the disputed portion of the consumer's bill until the resolution of the dispute.

17. Bill payment points

Where practical, the water provider should make bill payment outlets accessible to consumers and in any case not more than 5km from the consumer's premises.

PART VII—METERS

18. Meter requirements

Each water provider shall provide, install, maintain and read all meters necessary for measurement of water delivered to its consumers and the cost of the metering shall be recovered from the consumer.

19. Record of Meters

- (1) In meeting the requirement in regulation 15(1) the water provider shall comply with the technical and operational codes issued by the Agency relating to metering.
- (2) Each provider shall keep a record of all meters, showing the following data:
 - a. the number of the meter, which identifies that meter and distinguishes it from all other meters,
 - b. the consumer's name, account number and address at which each numerically identified meter is installed;
 - c. the date of installation of each meter;
 - d. the date of the most recent test for accuracy of the meter
 - e. the record of each accuracy test showing the identifying number of the meter tested, the standard meter and other measuring devices used to perform the test, the date and kind of test made, by whom the test was made, the error or percentage of accuracy at each load tested, and sufficient data to permit verification of all calculations.

20. Frequency of Meter Reading

- (1) A water provider is required to read and physically inspect the meters at regular intervals to avoid or minimize theft, and ensure that billing is done based on actual consumption.
- (2) Subject to regulation 15(2) the provider's meter reading frequency should be at least once in every month;

21. Meter Tests

- (1) Every water provider shall provide facilities for testing the accuracy of its meters and where necessary test meters suspected to be faulty.
- (2) Each provider shall, upon request of a consumer provide for a test of the accuracy of the meter serving that consumer.
- (3) If a test proves that the meter is accurate, the cost of the test would be charged to the consumer.
- (4) In the event that the meter accuracy is found to be outside the limits specified in the metering code to either the consumer's or the provider's disadvantage, the cost of the test shall be borne by the provider.

- (5) The provider shall provide the means to transfer or refund, as appropriate, the amount of unexpended credit due to a consumer when a meter is replaced or removed as a result of a fault.
- (6) The provider shall inform the consumer of the date and time of the test and permit the consumer or his or her authorised representative, to be present if the consumer so desires.
- (7) The provider shall provide a temporary meter for the consumer while the consumer's meter is undergoing tests for accuracy.
- (8) The provider shall inform the consumer in writing of the result of any test on the consumer's meter.
- (9) The report shall include the name of the consumer requesting the test, the date of the request, the location of the premises where the meter had been installed, the consumer's account number, the type, make, size and serial number of the meter, the date of removal, the date tested, and the result.
- (10) The result of the test shall be supplied to such consumer within five (5) days after the completion of the test.

22. Meter repositioning requests

- (1) A consumer may apply to the water provider for a change in the position of the water meter at the consumer's premises by stating the reasons for the change in position and indicating the preferred location of the meter.
- (2) On receipt of the consumer's request, the provider shall provide the estimate and charge for repositioning the meter within two (2) working days where the request is reasonable.
- (3) Where the provider rejects the request, the provider shall provide the consumer with the reasons for the rejection within two (2) working days of receipt of the request.
- (4) Where the consumer pays the required charge, the provider shall reposition the meter within five (5) working days.

23. Bills adjustments

- (1) If any meter test reveals a meter to be plus or minus 2% or more from the actual registration, the water provider shall correct previous readings and corresponding bills, consistent with the inaccuracy found in the meter for the period since the last test of the meter was conducted, or for the last six (6) months, whichever is shorter.
- (2) If a meter is found not to register for any period of time, the provider may make a charge for units used but not metered for a period of time to be based on an estimated billing methodology approved by the Agency.

24. Right to Inspect Meters

- (1) The water provider shall have the right to inspect a meter at the consumer's premises if tampering or theft is detected or suspected.
- (2) Where reasonable but unsuccessful attempts have been made to gain access to a meter, the provider may disconnect the supply after having delivered a related written warning to the consumer.

PART VIII—SERVICE QUALITY

25. Minimum service standards

- (1) A water provider shall meet the required standard of performance outlined in the Ekiti State water and sanitation Law, the minimum standards prescribed in these Regulations as well as such other relevant instruments and codes issued under the Law.
- (2) Without limiting the effect of sub-regulation (1), the minimum water service quality standards shall specify the provider's commitments to consumers with respect to; -
 - (a) reliability of supply;
 - (b) quality of supply.

26. Point of Service

The water provider shall own and maintain all facilities located between the mains and the consumer's point of service.

27. Reliability of Supply

- (1) A water provider shall make all reasonable efforts to prevent interruptions of service to consumers.
- (2) When an interruption does occur, the provider shall seek to re-establish service within the shortest possible time consistent with prudent operating principles, so that the smallest number of consumers is affected for the shortest duration of time.
- (3) Whenever a provider is to interrupt the supply to a consumer's premises in order to undertake planned maintenance to its equipment, the provider shall provide the consumer with a minimum of 7 days Notice.
- (4) The provider shall, prior to any planned interruption supply the following information to the Agency:
 - a. reason for interruption of service;
 - b. date of interruption is to begin;
 - c. duration of interruption and projected correction programs with time parameters for completion.
- (5) A provider shall make its best efforts to meet emergencies resulting from a planned or unplanned failure of service, and shall—
 - a. issue instructions to its employees covering procedures to be followed in the case of an emergency in order to prevent or mitigate the interruptions;
 - b. have public notice templates prepared in advance of an emergency, and use them in response to an emergency to achieve efficient and timely response;
 - c. notify as soon as possible the Agency and consumers affected by the emergency;
 - d. coordinate with state and local emergency management agencies, as needed, to use any emergency alert system available for qualifying situations;
 - e. ensure that a knowledgeable contact person is stationed onsite during the emergency, to communicate to the public and media on behalf of the provider;
 - f. use its best efforts to ensure that adequate quantities of alternative supplies of water essential for domestic use are made available at predetermined locations proximate to consumers affected by the emergency.
- (6) The provisions of regulation 25(5), and any other measure that a provider should reasonably take, shall be documented in an Emergency Response Plan.
- (7) The Emergency Response Plan shall be submitted to the Agency for approval and it shall be revised and re-submitted to the Agency at least every three years.

28. Standard pressure

A water provider shall maintain the pressure of water delivered to consumers and other providers within the prescribed standards as shall be issued by the Agency from time to time.

29. Quality of water

A water provider shall ensure that all water it supplies to consumers shall be pure, wholesome, potable and in no way dangerous to the health and shall comply at the minimum to the Nigerian standards for drinking water Quality 2007 as may be amended from time to time.

30. Monitoring

The Agency shall monitor the quality of supply delivered by a water provider with respect to the reliability, wholesomeness of water or water quality and effectiveness of the maintenance practices employed by the provider.

31. Demand Side Management

- (1) The water provider must ensure each consumer within its limits of supply gets enough water in liters per day as set out by the Agency to maintain a reasonable standard of life.
- (2) The provider shall within its limits of supply – use its best endeavors to increase per capita consumption over time by the following activities:
 - (i) enhancing water supply;
 - (ii) reduction of Non-revenue Water;
 - (iii) implementation of water conservation measures;
 - (iv) public education and awareness building;
 - (v) conduct consumer surveys;
 - (vi) implementation of a full metering policy for all consumers.

32. Reporting to the Agency

- (1) Each water provider shall keep a complete record and report of its activities which shall include the following:
 - (a) all interruptions affecting parts of the water supply system or any of its major divisions that lasts more than 24 hours, including:
 - (i) details of record that show the causes of interruption,
 - (ii) date, time, duration,
 - (iii) number of customers affected,
 - (iv) steps taken to remedy, and
 - (v) steps taken to prevent recurrence.

(b) every major incident caused as a result of poor water quality or low pressure;

(c) every major study performed in regards to improvement of water service quality.

(2) The Agency may prescribe additional content and format of the reports required under the Regulations.

PART IX—MISCELLANEOUS

33. Reporting Guidelines

The water providers shall submit quarterly reports to the Agency in accordance with guidelines issued by the Agency from time to time.

34. Investigation of the Quality of Supply

The Agency may monitor or investigate at any time the quality of supply as well as the reporting and recording procedures of a water provider.

35. Auditing Data

The Agency may audit some or all of the quality of supply data retained by a water provider and may vary the regularity and frequency of the audits, as well as the provider's service parameters, reporting areas and reporting periods that require audits.

36. Enforcement

The Agency shall enforce these Regulations in accordance with the powers conferred on the Agency in accordance with the Ekiti State Water, Sanitation and Hygiene Law 2021

SCHEDULE 1

Customer Classification	Penalty (Naira per day/ Part of a day)
Residential	1, 000
Commercial	1, 500
Industrial	2, 000
Special	2, 000