



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

LICENSING OF UTILITIES AND SERVICE PROVIDERS REGULATIONS

July, 2021

EKITI STATE WATER SUPPLY REGULATORY AGENCY

LICENSING OF UTILITIES AND SERVICE PROVIDERS REGULATIONS

IN EXERCISE of the powers contained in Section 67 of the Ekiti State Water, Sanitation and Hygiene (WASH) Law, 2021, the Agency hereby makes the following Regulations:

The Regulation may be cited as Water Supply and Sanitation (Licensing of Utilities and Service Providers) Regulation, 2021.

1. In these Regulation, unless the context otherwise requires-
“**Agency**” means the Ekiti State Water and Sanitation Regulatory Agency established under the Water Sector Law
“**licensee**” means a holder of a license issued under the Act.
2. (1) A Utility or service provider shall, on the publication of these Regulations, apply to the Agency for a licence to provide water supply or sanitation services in accordance with the form set out in the First Schedule to these Regulations.
(2) An applicant for a licence shall submit the following documents with the application form:
 - (a) A business plan outline –
 - i. The short, medium and long term objectives of the company for the provision of an efficient affordable and sustainable water supply and sanitation service;
 - ii. The strategic plan outlining the strengths and weaknesses of the company and the performance targets;
 - iii. The general company description as regards its organisation, management and shareholding;
 - iv. The plan of activities and programmes for a period of three years;
 - v. The efficiency improvement indicators;
 - vi. The contracts and agreements that the company is party to;
 - vii. The scope of improvement of water quality and customer service;
 - viii. The type of water supply or sanitation facilities to be provided or used; and
 - ix. The tariff propositions and justifications and justification for the propositions;
 - (b) a copy of the company registration certificate;
 - (c) the financial projections of the company outlining –
 - (i) the profit and loss account
 - (ii) the balance sheet;
 - (iii) the cash flow statement;
 - (iv) the financial means to carry out the investment programme;
 - (d) the investment outlining ----
 - (i) the supply and sales forecast stating the assumptions and objectives respecting the service area population coverage, service area population growth, the demand per capital consumption, production and distribution

- losses, the exploitable resources and infrastructure, capacity for water supply, storage and treatment capacity for waste water; and
- (ii) investment expenditure projection stating the priorities for investment and the economic justification, the proportion of investment in extensions of existing systems, rehabilitation and renewal of existing systems equipment.
3. (1) An applicant for a licence shall pay to the Agency an application fee as set out in the second Schedule.
(2) A licensee shall pay to the Agency a monthly licence fee as set out in the Second Schedule
 4. A licensee shall, not later than three month after the expiry of its financial year, submit to the Agency –
 - (a) a financial report concerning its activities during its financial year; and
 - (b) a technical report outlining the information set out in the Third Schedule.
 5. (1) A licensee shall keep and maintain a record of its activities, inventory, financial and infrastructural improvements and all information required for purposes of these Regulation in accordance with the information management systems approved by the Agency.
(2) Where, in the opinion of the Agency, any information submitted to it, is not in accordance with the term of the Agency guidelines, does not comply with quality standards or is not submitted at the prescribed period, the Agency shall notify the licensee and stipulate the period not exceeding fourteen days, within which adequate and satisfactory information in compliance with the guideline should be submitted.
(3) where a licensee fails to comply with the requirements under regulation (2), the Agency may invoke the provisions of sections fourteen and twenty- one of the Act.
 6. The Agency shall establish guidelines for the setting of tariffs charged for the provision of water supply and sanitation services which –
 - (a) contribute to an equitable distribution of water;
 - (b) allow for total cost recovery under the premise of efficient management by the provider and sufficient investment for infrastructure;
 - (c) bring the bill the customer has to pay in line with the customer’s actual consumption and differentiate between consumer groups;
 - (d) Make the customer benefit from reductions in costs achieved through enhanced efficiency; and
 - (e) Do not pass expenses due to inefficiency on the part of providers on to customer



SCHEDULE I

EKITI STATE GOVERNMENT

WATER AND SANITATION REGULATORY AGENCY
LICENSING OF UTILITIES AND SERVICE PROVIDERS REGULATIONS

For Official Use Only

No:

Date Received:

LGA:

REGISTRATION AND APPLICATION FORM FOR PROVIDERS OF WATER AND SANITATION SERVICES IN URBAN, SMALL TOWNS AND RURAL AREAS

Please you are free to attach additional sizeable sheets of paper where insufficient space is Provided (mark item number for which additional information is given). This form is also available on soft copy on request. The completed form should be returned to **EK-WASRA** as soon as possible.

1. IDENTIFICATION OF THE APPLICANT

Please identify the provider of water /and sanitation (delete when not applicable) services in the space provided below accordingly;

a) For Physical Persons

Family name:		Middle name:		First name:	
NIMC / Passport No.:	Place of Issue:	Date of Issue:	Date of Expiration:		

b) For Institutions (Commercial Utilities (CU), Water Consumer's Association (WCAs), Private Service Providers (PSP), Non-Governmental Organizations, etc) name and registration number. Attach

Name of Institutional:	
Incorporation Number (CAC or Enterprises):	

2. BUSINESS ADDRESSES IN EKITI STATE OF THE PROVIDER

Please provide the business addresses in Ekiti State of the provider identified under 1.
To that end state in the spaces provided below the information demanded:

Physical address (street number and name, locality)	Postal / Mailing address
Telephone numbers	
Fax number :	E-mail :

(2b) TYPE OF REGISTRATION☐ New☐ Renewal**(2c) IF RENEWAL**

Registration No: _____ Date Issued: _____

3. CHIEF EXECUTIVE OFFICER OF THE PROVIDER

Please give the details of the chief executive officer of the provider (if under 1. a physical person is named, this person is assumed to be the chief executive officer, and this item can be skipped).

Family name:	Middle name:	First name:	
NIMC / Passport No.:	Place of Issue:	Date of Issue:	Date of Expiration:

Attach a copy of official documentation (copy of letter of authorization of Community or Ministry) in case the provider is a WCA or EKSG. It is assumed that the business addresses of the person identified here are those stated under 2.

4. EXECUTIVE OFFICER ACTING AS A CONTACT PERSON FOR EK-WASRA

Please identify a physical person among the executives who will act as a contact person for EK-WASRA. EK-WASRA will address all correspondence to that person.

If the person named under 3. Is to be the contact person, please tick the box: ☐

If the person designated here is different from the person named under 3. Give the particulars in the spaces provided below:

First, Middle and family name, identity information	
Function within the provider	
Physical address	Postal / Mailing address
Telephone numbers	
Fax number :	E-mail :

Attach a copy of official documentation (copy of letter of authorization of Community or Ministry) in case the provider is a WCA or EKSG.

5. OWNERSHIP OF THE SERVICE PROVIDER

Please identify all legal owners of the provider (shareholders, capital holder, etc.) (if under 1. physical person is named, this person is assumed to be the legal owner, and this item can be skipped).

To that end state in the space provided below:

- if a physical person, name and identity number
- if a non-physical person (Community, EKSG, body corporate, partnership, association),
- name and company/association incorporation/registration number.

State also the part in the ownership of each of the persons named.

S/N	Names	NIMC / Passport No. / Incorporation/Registration no.	Part in ownership
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

6. CONTRACTUAL AGREEMENTS ENTERED INTO BY THE PROVIDER

Please identify all major contractual agreements of whatever nature (e.g. management contract, bulk water supply contract, Water Well / borehole drilling/ Feacal sludge management etc.) that the provider is at present a party to.

To that end state in the space provided below, one line per agreement, in the following order: the name of the contracted party, the object of the agreement, the amount of the contract, end date of contract.

If any of the owners identified under 4. is also owner or co-owner of a contracted party, please state these owners by adding to the contract information given below the number opposite to the owner's name that figures in the table under 5.

	Name contracted party	(Co)-owner	Object of agreement	Amount of contract	End date of Contract

7. ACTIVITIES OF THE PROVIDER

Please state (by marking a cross in the appropriate check box) whether the provider is:

☐ a provider of water only

☐ a provider of sanitation only

☐ a provider of water and sanitation

State hereunder whether the activity(ies) as indicated above are the provider's only activities, or if otherwise, indicate which other activities the provider undertakes as well. State yearly revenue (NGN excluding taxes) generated.

<input type="checkbox"/> only activity(ies)	Yearly revenue (NGN)
Water	
Sanitation	
Other activities :	

8. DESCRIPTION OF ACTIVITIES RELATING TO WATER SUPPLY

- a) Indicate all the **service areas** serviced at the moment and give for each service area indicated the following data (by filling out the table below):

Service area*	Population of service area	Population served by:			Present service area population coverage rate (%) **
		Household connections	other means (standpipes, kiosks, etc.)	total served	
(1)	(2)	(3)	(4)	(5)	(6)

* Attach map of service area. Indicate clearly boundaries of service area on map.

** Obtained by dividing the total population served by the population of the service area.

Note: Skip when not applicable

- b) Describe for each service area the **distribution system on customer level** (by filling out the table below) :

State for the data given below the relevant date: _____ (day/month/year)

Service area (as above)	Number of physically existing delivery points		Number of billing agreements (contracts between provider and customer)			
	connections (household, non-house hold)	other (kiosk, standpipes)	for metered delivery to household	for unmetered delivery to household	for delivery to kiosks, standpipes,..	for delivery to industry & other clients
	(7)	(8)	(9)	(10)	(11)	(12)

Note: Skip when not applicable

- c). Describe for each service area the **volumes** produced (by filling out the table below) :

State for the data given below the relevant period: from _____ to _____ (preferably a 12 months period).

Service area (as above)	Production of treated water (1000m ³)	Sales (1.000 m3)				Yearly turnover (Mil Naira, excl. VAT)	Yearly collection (Mil Naira, excl. VAT)
		metered delivery to households	Unmetered delivery to households	delivery to kiosks and standpipes	delivery to other customers		
	(13)	(14)	(15)	(16)	(17)	(18)	(19)

9. DESCRIPTION OF ACTIVITIES RELATING TO SANITATION SERVICES

Indicate the **service areas** serviced at present and give for each service area indicated the following data (by filling out the table below):

Service area*	Number of connections to sanitation system	Number of vacuum tanker vehicles	Volume of wastewater treated (1000m ³ /year)	Yearly turnover (Mil Naira, excl. VAT)	Yearly collection (Mil Naira, excl. VAT)
	(20)	(21)	(22)	(23)	(24)

* Attach a map of service area, indicate clearly boundaries of service area on map.

Note: Skip when not applicable

10.

Appendices and certification

List hereunder the appendices attached to this form (by checking the appropriate check boxes and completing if necessary) :

- ☐ copy of identity-card or of passport of provider if a physical person named under 1.
- ☐ copy of identity-card or of passport of chief executive officer of provider named under 3.
- ☐ copy of identity-card or of passport of contact person named under 4.
- ☐ copy of articles of association of provider / CAC/Enterprises and Company Profile
- ☐ copy of letter of Recommendation from Registered Professional Association /Guarantor
- ☐ copy of present tariff schemes (including charges for first time connections)
- ☐ copies of maps of all service areas for water
- ☐ copies of maps of all service areas for sanitation services
- ☐ Evidence of registration with Ministry of Commerce (Certificate of Business premises)
other (please specify)

11. CERTIFICATION

The undersigned (which must be the person identified under 3.) :

Name of the undersigned

Position:

hereby certifies that the information supplied in this form is correct to the best of his knowledge.

Date of signature: _____

Signature of the person named under 11 Certification:

(Signature)



SCHEDULE II

EKITI STATE GOVERNMENT WATER AND SANITATION REGULATORY AGENCY

LIGENCE FEES						
CATEGORIES	DESCRIPTION OF CAT.	TYPE OF REG.	LOCAL FEE (Indigenous) for 5 years.	Annual Renewal	FOREIGN FEE (for 5 years)	
SURFACE WATER ABSRACTION	WATER SUPPLY	Licence	N3,000,000	800,000		
	Agricultural & other purposes		N1,000,000			
Sanitation and Hygiene	Sanitation And Hygiene service provision (public Toilet	Licence	N50,000			

Note:

A non-refundable fee of (as may be determine by EK-WASRA) shall be paid as application processing fee.



SCHEDULE III

EKITI STATE GOVERNMENT

WATER AND SANITATION REGULATORY AGENCY

TECHNICAL INFORMATION FOR PURPOSES OF TECHNICAL REPORT

For water supply and sanitation, the information should include -

- a) the total population under the jurisdiction of the service provider and services by it;
- b) the total area supplied;
- c) the actual effective area covered by pipe network or other means;
- d) the mode, period and reason for restriction on water use by consumers;
- e) the total number of water supply interruptions both planned and unplanned;
- f) the total number of industries and commercial sites connected to a sewerage system;
- g) the number of government institutions serviced;
- h) the number properties flooded by foul water from the sewerage system;
- i) the water delivered and leakage;
- j) the total volume of water abstracted from surface or ground water to the system
- k) the total volume of water produced from treatment plants;
- l) the total energy consumed in the company during operation in a day.

Secretary of the Agency

Board Chairman