ORDER NO: KERC/ORDER/2026/09/06
KOGI STATE ELECTRICITY REGULATORY COMMISSION

REGULATORY SANCTION ORDER

IN THE MATTER OF:
THE ELECTRICAL INCIDENT OF 9 DECEMBER 2025 AT NEW MARKET, LOKOJA, INVOLVING MS. SULEIMAN RAMATU

1. AUTHORITY, PURPOSE AND BASIS OF THE ORDER

The Kogi State Electricity Regulatory Commission ("the Commission" or "KERC"), pursuant to its statutory powers and functions under the Kogi State Electricity Law, 2024, applicable regulations, codes, standards and other regulatory instruments issued or adopted by the Commission, hereby issues this Regulatory Sanction Order against Kogi Electricity Distribution Limited ("KEDL") in respect of the regulatory matter identified in this Order.

This Order is issued following the Commission's review and determination of the alleged regulatory violation(s), having regard to the applicable legal and regulatory requirements, the evidence available to the Commission, and the representations, explanations, documents and other materials submitted by KEDL in response to the Commission's notices and proceedings.

In making its determination, the Commission has considered the circumstances and particulars of the matter, including, where applicable, KEDL's relevant operational, technical, safety, customer-service, asset-management or reporting arrangements, the actual or potential impact of the violation, and any corrective or remedial actions undertaken by KEDL.

The sanction(s) imposed by this Order are based on the specific regulatory obligations, findings and circumstances established in this Order and are imposed in accordance with the Commission's applicable enforcement framework. The sanction is therefore not imposed solely by reason of the occurrence of an incident, event, loss or complaint, but on the basis of the specific regulatory violation(s) or failure(s) to discharge applicable obligations established by the Commission.

KEDL is hereby required to comply with the findings, sanctions, directives and remedial measures set out in this Order within the periods specified herein

2. REGULATORY DETERMINATION

The Commission determines that the occurrence of the incident and the resulting injury do not, by themselves, constitute the basis of the sanction imposed by this Order.

The regulatory liability arises from the specific failures established by the evidence in relation to:

1. the integrity and safe condition of the affected 11kV distribution asset;
2. inspection, maintenance and associated documentation;
3. effective control of a known and foreseeable public-safety hazard;
4. management and mitigation of the electrical risks associated with known right-of-way encroachment; and
5. effective implementation of KEDL's safety-management arrangements.

The Commission has considered KEDL's representations that:

a. traders and other third parties were present beneath or near the affected 11kV line;
b. KEDL had undertaken public-safety sensitisation;
c. KEDL had engaged Town Planning and other relevant government authorities concerning the encroachment;
d. feeder protection operated following the conductor failure;
e. KEDL maintained general maintenance, asset-integrity and safety-management programmes; and
f. corrective and preventive measures were undertaken following the incident.

The Commission **accepts these matters as relevant mitigating circumstances**, but does not consider them sufficient to discharge KEDL's independent regulatory obligations as the licensed operator of an energised electricity distribution network.

The Commission accordingly **REFUSES KEDL's request for discontinuance** and makes the findings set out below.

3. REGULATORY FINDINGS

3.1. Failure to Maintain the Integrity of the Affected 11kV Asset

The Commission does not regard the mere existence of joints or splices as a regulatory violation. NESIS Regulation **5.2.12** permits joints subject to applicable technical requirements.

The material issue is whether the affected conductor and associated infrastructure were maintained in a condition capable of safely performing their intended function.

NESIS Regulations **5.2.6.1, 5.2.10.3 and 5.2.11** impose requirements relating to the mechanical and electrical integrity of overhead conductors, conductor strength and sag, and the ability of overhead distribution systems to withstand applicable mechanical and environmental conditions.

KEDL's reliance on a general Asset Integrity Management Programme does not, by itself, demonstrate compliance in respect of the particular conductor involved. Compliance must be demonstrable at the asset level through appropriate inspection, condition assessment, maintenance and defect-management records.

The Commission therefore distinguishes **equipment failure from regulatory breach**. The snapping of the conductor, standing alone, is not treated as conclusive proof of non-compliance. The breach arises from the evidence concerning the condition and management of the affected asset and KEDL's failure to satisfactorily demonstrate compliance with the applicable technical requirements.

Finding: APPARENT VIOLATION No. 1 is **SUSTAINED**.
Applicable provisions: NESIS Regulations **5.2.6.1, 5.2.10.3 and 5.2.11**.

3.2. Failure to Demonstrate Effective Inspection, Maintenance and Documentation

NESIS Regulations **1.5.3.1 and 1.5.4.1** require regular inspection of electrical facilities and proper documentation of activities and processes.

KEDL has not satisfactorily demonstrated, through contemporaneous asset-specific records, that its inspection and maintenance arrangements were effectively implemented in relation to the affected feeder.

The relevant evidence includes, as applicable, inspection dates and scope, defects identified, risk classification, corrective actions, work orders, responsible personnel, completion status and the condition of the conductor and associated infrastructure.

The Commission does not find that conductor failure alone establishes inadequate maintenance. The finding is based on KEDL's failure to demonstrate compliance through the inspection, maintenance and documentary evidence reasonably expected of a licensed distribution operator.

Finding: APPARENT VIOLATION No. 2 is **SUSTAINED to the extent established**.

Applicable provisions: NESIS Regulations **1.5.3.1 and 1.5.4.1**, read where applicable with Regulations **5.2.6.1, 5.2.10.3 and 5.2.11**.

3.3. Failure to Effectively Control a Known Public-Safety Hazard

This is the Commission's **principal regulatory finding**.

The evidence establishes that KEDL was aware of persistent commercial activity and public presence beneath or in close proximity to an energised 11kV distribution line.

KEDL's public-safety sensitisation is recognised as mitigation. It does not, however, constitute effective control of a known electrical hazard.

The governing principle is:
Identification of a hazard is not equivalent to control of the hazard. Public sensitisation is not a substitute for effective engineering and operational controls.

NESIS Regulations **5.2.1 and 5.2.2** require safe and secure overhead distribution facilities, appropriate clearances, prevention of unauthorised access to electrical works and consideration of actual and foreseeable land use in relation to overhead-line routes.

KEDL was therefore required to demonstrate that reasonably practicable measures within its control were taken to eliminate, reduce or contain the known risk.

Finding: APPARENT VIOLATION No. 3 is **SUSTAINED**.
Applicable provisions: NESIS Regulations **5.2.1 and 5.2.2**.

3.4. Inadequate Management of Known Right-of-Way Encroachment

The Commission accepts that KEDL does not possess statutory authority to unilaterally remove traders where such intervention properly belongs to Town Planning, Local Government or another competent authority.

KEDL is therefore **not sanctioned merely for failing to exercise powers vested in another authority**.

However, the absence of such statutory powers does not relieve KEDL of its obligation to manage the electrical risk created by a known encroachment.

Its engagement with government authorities is recognized as mitigation. KEDL was nevertheless required to implement reasonable operational, engineering, monitoring, warning and interim risk-control measures within its control.

Finding: APPARENT VIOLATION No. 4 is **SUSTAINED IN PART AND MODIFIED**.
The breach is therefore characterised as **failure to adequately manage and mitigate a known electrical hazard associated with the encroachment**, and not failure to evict traders.

Applicable provisions: NESIS Regulations **5.2.1 and 5.2.2**.

3.5. Failure to Demonstrate Effective Implementation of Safety Management Systems

The Commission accepts that KEDL maintains safety-management systems covering hazard identification, risk assessment, Job Hazard Analysis, field supervision, inspection, Root Cause Analysis, corrective and preventive action and public enlightenment.

The existence of such systems is not itself compliance. The regulatory requirement is their effective implementation at the asset and location where the risk exists.

The evidence does not satisfactorily establish that KEDL's safety-management arrangements were effectively translated into operational controls at the New Market location before the incident.

Finding: APPARENT VIOLATION No. 5 is **SUSTAINED to the extent established**.
Applicable provisions: NESIS Regulations **1.5.3.1 and 1.5.4.1**, read where applicable with Regulations **5.2.1 and 5.2.2**.

3.6. Incident Reporting and Documentation

The Commission distinguishes between a reporting or documentation deficiency and deliberate concealment or falsification.

The evidence does **not** establish deliberate concealment or falsification. That allegation is therefore **NOT SUSTAINED**.

However, any established deficiency concerning the timeliness, completeness, accuracy, maintenance or production of incident-related records remains a regulatory matter.

NESIS Regulation **1.5.4.1** requires proper documentation of activities and processes. Regulation **22** of the KERC Electricity Industry (Enforcement) Regulations 2025 empowers the Commission to require information, records and documents.

Finding:

- Allegation of deliberate concealment or falsification: **NOT SUSTAINED**.
- Any independently established reporting, record-keeping or information-production deficiency: **ENFORCEABLE under the applicable provisions**.

4. PENALTY FRAMEWORK AND QUANTUM

The Commission emphasises that the sanction is not imposed merely because an accident occurred or injury resulted. It is imposed for the specific regulatory breaches established under the applicable NESIS requirements and the KERC Electricity Industry (Enforcement) Regulations 2025.

In determining the appropriate quantum, the Commission has considered the factors prescribed by **Regulation 16(3)**, including the seriousness and duration of the breach, danger to life and property, injury, the effectiveness of internal controls, third-party involvement, negligence or recklessness where established, and mitigating measures.

For the purpose of determining the applicable monetary penalties, the Commission shall treat **six (6) hours as the applicable violation duration for the computation of any hourly sanction**, being the prescribed benchmark period within which an 11 kV line fault is required to be rectified. Accordingly, the violations established and the corresponding penalties determined by the Commission are set out in the table below

3.1 Summary of Applicable Penalties

No.	Regulatory breach	Regulatory provision	Initial penalty	Continuing penalty
1	Failure to maintain integrity of affected 11kV asset	NESIS 5.2.6.1, 5.2.10.3, 5.2.11	**₦9,500 per minute per applicable hour**	**₦9,500x60x6=₦3.42 million**
2	Failure to maintain safe overhead-line condition / structural integrity	NESIS 5.2.1 and applicable technical requirements	**₦9,500 per minute per applicable hour**	**₦9,500x60x6=₦3.42 million**
3	Failure to control known public-safety hazard	NESIS 5.2.1 and 5.2.2	**₦9,500 per minute per applicable hour**	**₦9,500x60x6=₦3.42 million**
4	Failure to adequately manage known right-of-way electrical risk	NESIS 5.2.1 and 5.2.2	**₦9,500 per minute per applicable hour**, where sustained as a distinct H&S breach	**₦9,500x60x6=₦3.42 million**
5	Failure to maintain/produce required records and documentation	NESIS 1.5.3.1 and 1.5.4.1 / Enforcement Regulations	**₦4,500 per minute per applicable hour**	**₦4,500x60x6=₦1.62 million**
6	Failure to provide information formally required by the Commission	Enforcement Regulations, Reg. 22	**₦8,000 per minute per applicable hour**	**₦8,000x60x6=₦2.88 million**
	Total penalty			**₦18.18 million**

Any administrative fine finally assessed shall be payable within **21 days** of the Commission's decision or service of the decision, as applicable.

5. AGGRAVATING AND MITIGATING CIRCUMSTANCES

5.1. Aggravating Circumstances

The Commission considers the following relevant:

1. KEDL's prior knowledge of the continuing public-safety hazard;
2. continued public exposure to energized 11kV infrastructure;
3. the seriousness of the injury suffered;
4. the nature and duration of the identified deficiencies; and
5. inadequate demonstration of effective asset-specific and location-specific controls.

5.2. Mitigating Circumstances

The Commission has also considered:

1. KEDL's pre-incident public-safety sensitisation;
2. engagement with Town Planning and other competent authorities;
3. operation of feeder protection following the conductor failure;
4. existence of formal safety, maintenance and asset-integrity systems; and
5. corrective and preventive measures undertaken after the incident.

These mitigating circumstances shall be taken into account in determining the final quantum of any administrative fine.

6. MANDATORY COMPLIANCE AND REMEDIAL ORDERS

In addition to the administrative sanction imposed under this Determination, the Commission hereby **DIRECTS KEDL** to undertake the following measures:

1. **Immediate Safety Inspection:** Immediately inspect and certify the safety and operational integrity of the affected 11kV line, including the conductors, joints, fittings, insulators, supports and associated structures.

2. **Defect Remediation:** Repair, replace or otherwise rectify, without delay, all defective or unsafe components identified through the inspection.

3. **Network-Wide Safety Assessment:** Conduct a comprehensive safety assessment of all 11kV lines traversing markets, densely populated areas and other locations presenting significant public exposure.

4. **Public-Safety Hazard Register:** Establish and maintain a location-specific public-safety hazard register identifying each hazard, its risk classification, responsible officer, interim control measure, corrective action, implementation status and closure date.

5. **Interim Risk Controls:** Pending permanent remediation, implement documented and effective interim controls at all locations assessed as presenting significant public risk. Such measures shall include, where technically warranted, a **safety net, cradle guard, protective structure, line modification or relocation, or equivalent engineered control** capable of reducing the identified risk.

6. **Right-of-Way Risk Management:** Strengthen right-of-way monitoring, hazard escalation and inter-agency coordination procedures, including documented engagement with Town Planning, Local Government and other competent authorities where statutory intervention is required.

7. **Incident Reporting:** Ensure the immediate internal escalation and timely reporting to the Commission of all significant electrical incidents in accordance with applicable regulatory requirements.

8. **Record Preservation:** Preserve and maintain all relevant asset, inspection, maintenance, testing, protection, incident, correspondence and safety-management records relating to the New Market incident and all corrective actions arising therefrom.

9. **Compliance Report:** Submit to the Commission, within **30 days** of this Determination, a comprehensive compliance report supported by appropriate technical and documentary evidence demonstrating implementation of the foregoing directives.

10. **Continuing Compliance Monitoring:** Submit **quarterly compliance reports for 12 months** thereafter, or for such longer period as the Commission may reasonably require.

KEDL shall ensure that all remedial measures are **documented, verifiable and demonstrably effective in controlling the identified safety risks**.

Failure to comply with this Determination or any direction issued pursuant to it shall constitute a **further regulatory contravention** and may attract additional enforcement action, including applicable continuing penalties and any other sanction or remedial measure available to the Commission under the Law and applicable Regulatory Instruments.

7. MEDICAL CARE AND CONDITIONAL WAIVER OF MONETARY PENALTY

7.1. The Commission considers the welfare, medical treatment and recovery of **Ms. Suleiman Ramatu**, who sustained injury in the 9 December 2025 New Market incident, to be of immediate and continuing concern. Accordingly, **KEDL is hereby DIRECTED to bear the reasonable, necessary and properly documented costs of her medical treatment and related care arising directly from the incident**, without prejudice to any other compensation, liability, claim or remedy that may be available to the victim under applicable law.

7.2. The Commission has determined the aggregate monetary penalty arising from the violations established in this Determination to be **₦18.18 million (Eighteen Million, One Hundred and Eighty Thousand Naira)**. Having regard to the **aggravating and mitigating circumstances**, the circumstances of the Incident, and the need to ensure a **proportionate and effective regulatory response**, the Commission, in the exercise of its discretion under **Regulation 16(3) of the KERC Enforcement Regulations 2025**, has determined to **moderate the administrative financial sanction by waiving payment of the assessed monetary penalty**, subject to KEDL's strict, full and continuing compliance with the conditions imposed under this Determination.

7.3. The waiver granted under Clause 6.2 shall be **conditional and shall not constitute a finding that the violations did not occur, an exoneration of KEDL, or a relinquishment by the Commission of its statutory powers or any other lawful remedy**. Failure by KEDL to comply with any of the conditions

of the waiver may result in the Commission **revoking the waiver and taking such further regulatory or enforcement action as may be lawful and appropriate**.

7.4. KEDL shall, within **twenty-one (21) days** of the date of this Determination, and thereafter within such period as the Commission may reasonably require, furnish the Commission with **complete, authentic and verifiable documentary evidence** demonstrating compliance with the obligations imposed under this Determination, including evidence of:

a. payment of the reasonable and properly documented medical and related care costs incurred by or on behalf of Ms. Suleiman Ramatu;
b. the medical treatment and continuing care provided to her arising from the incident; and
c. such other remedial, preventive or corrective measures as may be required by the Commission pursuant to this Determination.

7.5. KEDL shall continue to bear the reasonable and documented cost of the victim's necessary medical treatment and related care notwithstanding the moderation of the administrative sanction.

8. FINAL REGULATORY ORDERS

Accordingly, having regard to the findings, evidence, aggravating and mitigating circumstances, and the Commission's determination on **proportionality, medical support and conditional waiver of the assessed monetary penalty**, the Commission hereby **ORDERS** as follows:

1. **Discontinuance:** KEDL's request for discontinuance of the enforcement proceedings is **REFUSED**.

2. **Asset Integrity: APPARENT VIOLATION No. 1** is **SUSTAINED** for breach of NESIS Regulations **5.2.6.1, 5.2.10.3 and 5.2.11**.

3. **Inspection and Documentation: APPARENT VIOLATION No. 2** is **SUSTAINED to the extent established** for breach of NESIS Regulations **1.5.3.1 and 1.5.4.1**.

4. **Public Safety: APPARENT VIOLATION No. 3** is **SUSTAINED** for breach of NESIS Regulations **5.2.1 and 5.2.2** and constitutes the Commission's **principal regulatory finding**.

5. **Right-of-Way Risk: APPARENT VIOLATION No. 4** is **SUSTAINED IN PART AND MODIFIED**, limited to KEDL's failure to adequately manage and mitigate the electrical risk arising from the known encroachment. The finding does not impose liability for the exercise of statutory powers vested in another government authority.

6. **Safety Management: APPARENT VIOLATION No. 5** is **SUSTAINED to the extent established** for failure to demonstrate effective implementation of applicable inspection, documentation and safety-management requirements.

7. **Concealment/Falsification: APPARENT VIOLATION No. 6** is **NOT SUSTAINED** insofar as it alleges deliberate concealment or falsification. Any independently established reporting, documentation or information-production deficiency remains subject to applicable regulatory enforcement.

8. **Assessed Monetary Penalty:** The Commission has determined the aggregate monetary penalty arising from the established violations to be **₦18.18 million (Eighteen Million, One Hundred and Eighty Thousand Naira)**.

9. **Conditional Waiver:** Having regard to the circumstances of the Incident, the aggravating and mitigating circumstances, the need for a proportionate and effective regulatory response, and the remedial obligations imposed on KEDL, the Commission, pursuant to **Regulation 16(3) of the KERC Electricity Industry (Enforcement) Regulations 2025**, hereby **WAIVES payment of the assessed ₦18.18 million monetary penalty**, subject to KEDL's strict and continuing compliance with this Determination.

10. **Medical Treatment and Related Care:** KEDL shall **bear the reasonable, necessary and properly documented costs of the medical treatment, rehabilitation and related care of Ms. Suleiman Ramatu arising directly from the 9 December 2025 Incident**. This obligation is independent of, and shall not be discharged by, the waiver of the administrative monetary penalty.

11. **No Set-Off or Substitution:** Expenditure incurred by KEDL in providing or funding the medical treatment and related care of Ms. Suleiman Ramatu **shall not constitute payment, set-off, credit or satisfaction of the assessed monetary penalty** and shall not affect any other lawful compensation, claim or remedy available to the victim.

12. **Condition of Waiver:** The waiver under Order 9 is **conditional** upon KEDL's full and continuing compliance with the remedial, medical-support, reporting and other obligations imposed by this Determination.

13. **Revocation of Waiver:** Failure by KEDL to comply with any material condition of the waiver may, subject to applicable procedural requirements, result in **revocation of the waiver and recovery of the assessed ₦18.18 million penalty**, without prejudice to any further lawful regulatory or enforcement action.

14. **Remedial Compliance:** KEDL shall fully implement all corrective, preventive and remedial measures prescribed under **Section 5** within the periods specified therein.

15. **Reporting and Verification:** KEDL shall comply with all medical-support, victim-support, reporting and documentary-evidence requirements prescribed under **Section 6** and shall furnish the Commission with satisfactory evidence of compliance within the prescribed periods.

16. **Continuing Non-Compliance:** Failure to comply with any order or obligation imposed by this Determination within the prescribed period shall constitute **continuing regulatory non-compliance** and may attract applicable continuing penalties until compliance is satisfactorily demonstrated and verified by the Commission

9. **Further Enforcement:** KEDL is hereby **WARNED** that failure to comply with this Determination, any direction issued pursuant to it, or any recurrence of substantially similar safety failures may result in further administrative fines, additional compliance orders, suspension or any other enforcement measure available to the Commission under the Law and applicable Regulatory Instruments.

BY ORDER OF THE COMMISSION

ENGR. IBRAHIM S. ABDWAARIS
Chairman

PROF. IBRAHIM ABDUKARIM
Commissioner Legal, Licensing & Compliance

Dated this day 25th of September 2026

CC:

- **MD** Abuja Electricity Distribution Company Plc.
- **CREO** Abuja Electricity Distribution Company Plc.