ORDER NO: KERC/ORDER/2026/09/05

KOGI STATE ELECTRICITY REGULATORY COMMISSION
REGULATORY SANCTION ORDER

IN THE MATTER OF:
THE FATAL OCCUPATIONAL ACCIDENT INVOLVING THE LATE MR. DIRISU YUSUF (KEDL LINEMAN) ON THE 33kV FEEDER 2 NETWORK, ZANGO, LOKOJA

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. AUTHORIZED MANDATE AND PREAMBLE

This Formal Enforcement Order is issued by the Kogi State Electricity Regulatory Commission ("the Commission" or "KERC") pursuant to its statutory enforcement powers under the Kogi State Electricity Law, 2024. The Commission is legally mandated to enforce technical, operational, and occupational health and safety standards across all electricity operations within Kogi State.

Following the fatal occupational accident involving the late Mr. Dirisu Yusuf, a Linesman employed by Kogi Electricity Distribution Limited ("KEDL"), the Commission served a Notice of Apparent Violation and a Notice to Show Cause on KEDL. The Commission has fully evaluated KEDL's written representations dated **21 August 2026**.

The Commission's determination is *based on KEDL's failure to discharge specific statutory, regulatory and operational obligations relating to network asset integrity, safe systems of work, effective supervision and incident reporting, and not merely on the occurrence of the fatal accident.*

3. Failure of Asset Integrity Assurance on Recycled Infrastructure

KEDL's Submission: KEDL claims that because the pole was sourced from a NEMSA-licensed vendor and showed no visible cracks, it acted reasonably.

Commission's Determination: Dismissed. The pole was a reused and relocated asset that had previously undergone mechanical shock during conductor vandalism and subsequent transportation by Hiab. The Commission finds that, having regard to the pole's history, relocation and intended use as a climbing structure supporting a 33kV network, reliance principally on visual inspection did not provide adequate assurance of its structural fitness.

The Commission further finds that procurement from a NEMSA-licensed vendor did not discharge KEDL's continuing responsibility for verifying the fitness and integrity of an asset selected, relocated, installed and placed into service on its network.

The failure to undertake an appropriate structural-integrity assessment of the reused asset constituted a failure of KEDL's asset-integrity assurance obligations.

4. DISMISSAL OF KEDL'S DEFENSES & FINDINGS OF LIABILITY

4.1. Failure of Asset Integrity Assurance on Recycled Infrastructure

- **KEDL's Submission:** KEDL claims that because the pole was sourced from a NEMSA-licensed vendor and showed no visible cracks, it acted reasonably.

- **Commission's Determination:** Dismissed. The pole was a reused, relocated asset that had previously undergone mechanical shock during conductor vandalism and subsequent transportation via Hiab. Mechanical stresses, micro-fractures, and structural fatigue in concrete are frequently microscopic and invisible to the naked eye. Relying purely on a basic visual check for an endangered, recycled 33kV concrete asset constitutes a total breakdown of technical asset-integrity procedures.

4.2. Inadequacy of Pre-Work Site Verification

- **KEDL's Submission:** KEDL points to its electronic "Toolbox Talk" backend audit trail stating that the site was inspected and the pole was "assessed for use".

- **Commission's Determination:** Dismissed. Digital checkboxes do not override physical failures. The terminal structural collapse of the concrete pole under the weight of a single linesman—prior to any operational line loading—is conclusive proof that KEDL's field assessment was either **grossly negligent or completely falsified**.

4.3. Illegal Classification of High-Risk Work at Height as "Routine"

- **KEDL's Submission:** KEDL states that climbing distribution lines is a routine daily task, meaning a formal Permit to Work (PTW) was not operationally required under its internal framework.

- **Commission's Determination:** Dismissed. Classifying "Work at Height" on high-voltage distribution networks as an ordinary routine activity that can bypass a rigorous, written, and structured **Permit to Work (PTW)** system is a severe violation of standard HSE practices and the Nigerian Electricity Health & Safety Code. This flawed corporate classification directly removed critical engineering safety safeguards.

4.4. Failure of Effective Supervisory Control

- **KEDL's Submission:** KEDL argues that the presence of an Operations and Maintenance Engineer who monitored PPE compliance proves adequate supervision.

- **Commission's Determination:** Dismissed. Supervisory control is measured by safety outcomes, environmental analysis, and hazard mitigation, not mere attendance. The supervisor failed to evaluate the poor soil and geotechnical vulnerabilities of the site (which KEDL later admitted to), failed to interrogate the structural history of the recycled asset, and failed to exercise Stop-Work Authority to protect the linesman.

4.5. Confirmed Violation of Incident Reporting Timelines

- **KEDL's Submission:** KEDL admits the detailed report was submitted late but blames the delay on its internal Accident Investigation Team's clearance protocols.

- **Commission's Determination:** Upheld. Reporting timelines under the statutory framework are **absolute regulatory deadlines**. Corporate internal bureaucratic convenience does not pause, delay, or supersede a licensee's mandatory duties to the Commission.

5. MANDATORY ADMINISTRATIVE AND PENALTY SANCTIONS

In view of the confirmed breaches, and having fully weighed the aggravating factors (loss of human life, systemic asset failures, and late reporting) against acknowledged mitigating elements (initial response and post-incident remediation), the Commission hereby imposes the following financial penalties:

Violation Reference	Regulatory Breach Description	Applicable Statutory Provision	Penalty Fine Calculation
Violation 1 & 2	Failure to maintain asset integrity and structural assurance for a relocated/reused 33kV distribution network asset.	Kogi State Electricity Law 2024 & NESIS Regulations 2015 1.5.5.1.	**₦15,000,000.00** *(Severe structural negligence resulting in critical asset failure).*
Violation 3 & 4	Failure of effective pre-work verification and supervisory safety control; lack of valid, compliant, task-specific authorization.	Nigerian Electricity Health & Safety Code (PTW / JHA Baseline Penalty)1.5.5.2.	**₦3,000,000.00** *(Standard statutory baseline for severe HSE non-compliance).*
Violation 5	Confirmed late submission of the detailed final accident investigation report.	Incident Reporting Framework (Statutory Daily Accrual for Reporting Delays).	**₦2,000,000.00** *(Administrative penalty for late compliance submission).*
TOTAL FINE			**₦20,000,000.00**

In accordance with the provisions of S.99(1)(a) of Kogi State Electricity Law, 2024 within **twenty-one (21) days** from the date of service of this Order the Commission hereby orders **Kogi Electricity Distribution Limited (KEDL)** to pay the total sum of **₦20,000,000.00 (Twenty Million Naira Only)** into the KERC Penalty and Fines Account number as stated below:

Account Name: Kogi State Electricity Regulatory Commission - Penalty and Fine Account
Account Number: 2049522534
First Bank of Nig. Ltd.

Failure to remit the payment within the stipulated timeframe shall attract an additional **continuing penalty of ₦500,000.00 per day** for every day the default persists.

6. DIRECTIVES AND MANDATORY CORRECTIVE ACTIONS

KEDL is further **ORDERED** to strictly comply with the following operational directives:

1. **Employee & Family Welfare Payouts:** KEDL shall submit full, detailed documentary evidence of all statutory Group Life Assurance, Workmen's Compensation, and pension death benefits processed and paid to the dependents of the late Mr. Dirisu Yusuf within **thirty (30) calendar days** of receipt of this order.

2. **Network Asset Integrity Management Programme:** In line with KEDL's admission of poor geotechnical soil alignment, KEDL shall submit a comprehensive engineering audit, asset inventory, and structural safety mapping for all relocated or reused concrete poles currently deployed on its network within **sixty (60) days**.

3. **Mandatory Pre-Climb Verification Policy:** KEDL is prohibited from permitting any employee to climb any distribution pole unless a written, physical, field-level testing log signed by an authorized engineer confirms the structure is fit for climbing.

4. The Commission requires the implementation of appropriate **disciplinary sanctions** against the supervisor, subject to a mandatory **compliance report** detailing the corrective actions taken.

7. FAILURE TO COMPLY WITH THIS ORDER

Take Notice that non-compliance with any section, timeline, or financial obligation laid out in this Enforcement Order constitutes a distinct, severe violation of the **Kogi State Electricity Law, 2024**. Continued defiance shall compel the Commission to initiate immediate escalation procedures, which may include the suspension of operational privileges, enhanced regulatory monitoring, or further severe statutory fines.

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.