

# **STATUTORY INSTRUMENT**

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## **ELECTRICITY PREPAYMENT METER AGGREGATOR PERMIT RULES, 2019**

### **ARRANGEMENT OF RULES**

#### **PART I – PRELIMINARY**

1. Interpretation
2. Application

#### **PART II – APPLICATION FOR PERMIT AND OTHER RELATED PROVISIONS**

3. Types of permit
4. Application for a permit
5. Issuance of permit
6. Permit fees
7. Annual fees
8. Duration of permit
9. Renewal of permit
10. Suspension or cancellation of permit
11. Transfer of permit

#### **PART III – OBLIGATIONS AND OTHER RELATED PROVISIONS**

12. Obligations of a distribution licensee
13. Obligations of an aggregator

14. Settlement of disputes
15. Register of aggregators

#### PART IV – MISCELLANEOUS PROVISIONS

16. Offences
17. Transitional Provision

Schedules

**STATUTORY INSTRUMENT NO. 15 OF 2019**

*Published 13th day of December, 2019*

**SIERRA LEONE ELECTRICITY AND WATER  
REGULATORY COMMISSION ACT, 2011  
(ACT NO. 13 OF 2011)**

ELECTRICITY PREPAYMENT METER AGREGATOR PERMIT  
RULES, 2019

**Short title**

In exercise of the powers conferred upon it by section 66 of the Sierra Leone Electricity and Water Regulatory Commission Act, 2011, the Commission makes the following rules –

**PART I – PRELIMINARY**

1. In these rules, unless the context otherwise requires –

**Interpretation**

“Act” means the Sierra Leone Electricity and Water Regulatory Commission Act, 2011;

“aggregator” means a person who having entered into a service level agreement with a distribution licensee and holds a permit issued by the Commission to operate a system and sell electricity credit to consumers by token, recharge card or by issuing an electronic or radio command in respect of a pre-payment meter;

“pre-payment meter” means a device for measuring the energy consumption of a consumer by which the consumer pays in advance for the consumption;

“metering system” means a meter and the associated current transformers, voltage transformers, metering protection equipment,

including alarms, low voltage electrical circuitry, associated data collectors, data transmitters, related to the measurement, recording and transmission to the data collection system, the active energy or reactive energy or both;

“meter test station” means a certified test laboratory which has the technical and infrastructural capability to perform accuracy tests for meters and metering systems;

“service level agreement” means the agency agreement between a distribution licensee and an aggregator which specifies the rights and obligations of the parties and a requirement for an application for a permit under the Rules;

“vendor” means a person engaged by an aggregator to sell electricity credit in respect of prepayment meters to the public.

2. These rules shall apply to the relationship between a distribution licensee, aggregator and vendor and their interface with the consumer regarding prepayment metering systems.

**Application**

## **PART II – APPLICATION FOR A PERMIT AND OTHER RELATED PROVISIONS**

3. An aggregator’s permit shall be divided into the following categories –

**Type of permit**

(a) Permit A which shall be granted to applicants that operate a system based on an electronic, radio or telephony platform; and

(b) Permit B which shall be granted to applicants that operate the token and recharge card system.

4. (1) A person who intends to provide an aggregator’s service

**Application for**

shall in the first instance enter into an aggregator's service level agreement with a distribution licensee. **a permit**

(2) After entering into the level agreement referred to in sub-rule (1) the person shall apply to the Commission for a permit.

(3) The application for a permit shall be as set out in Schedule 1.

(4) The applicant shall submit the following with the application –

(a) the aggregator's service agreement signed with the distribution licensee;

(b) the application fee as determined by the Commission and published in the Gazette.

**5.** (1) The Commission shall acknowledge receipt of the application within 10 days of receiving it. **Issuance of Permit**

(2) The Commission shall inform the applicant of its decision in writing within 30 days of receiving the application.

(3) An application shall be granted by the Commission unless the applicant fails to meet the Commission's financial, technical and operational criteria.

(4) If the Commission refuses the permit, it shall state the reasons for the refusal.

**6.** Where an applicant is granted a permit he shall pay the permit fees as determined by the Commission and published in the Gazette on collection of the permit. **Permit Fees**

**7.** A permit holder shall pay an annual fee as determined by the Commission and published in the Gazette. **Annual fees**

**8.** The duration of – **Duration of**

**Permit**

(a) Permit A shall be 5 years; and

(b) Permit B shall be 3 years.

**9.** (1) A permit holder who wishes to renew his permit shall submit his renewal application to the Commission 3 months before the expiration of his permit

**Renewal of permit**

(2) The renewal application shall be as set out in Schedule 2.

(3) The permit holder shall pay the non-refundable renewal fee as determined by the Commission and published in the Gazette.

(4) Rules applicable to new application for a licence shall be applicable to renewal application with the necessary modifications.

(5) Where a permit holder fails to renew its permit or the application for the permit is rejected by the Commission, such permit holder shall cease operations.

**10.** (1) The Commission may suspend or cancel a permit where it is satisfied that –

**Suspension or cancellation**

(a) the permit holder has –

(i) breached a term or condition of the permit;

(ii) given information to the Commission which is false or misleading ;

(b) it is in the public interest to do so.

(2) The Commission shall before suspending or cancelling a licence give the licensee written notice of its intention and the reasons for the suspension or cancellation.

(3) The Commission shall in the notice referred to under sub-rule (2) require the licensee to show cause in writing within 7 days of receipt of the notice why the licence should not be suspended or cancelled.

(4) The Commission shall after considering the explanation of the licensee inform the licensee in writing of its decision within 15 days of receiving the explanation.

(5) The Commission shall restore the permit when the holder remedies the defect that gave rise to the suspension or cancellation.

(6) Where the service agreement of a permit holder and a distribution licensee is abrogated the Commission shall automatically cancel the permit.

**11.** (1) A permit holder shall not transfer the permit to another person unless he applies to the Commission for a transfer.

**Transfer of Permit**

(2) The application for a transfer of permit shall be as set out in Schedule 3.

(3) The Commission shall not unreasonably refuse the application for a transfer.

### **PART III – OBLIGATION AND OTHER RELATED PROVISIONS**

**12.** (1) A distribution licensee shall establish guidelines for an aggregator and shall submit the guidelines to the Commission for approval.

**Obligations of a distribution licensee**

(2) The guidelines referred to in sub-rule (1) shall include –

(a) the minimum financial requirement for qualification;

(b) the minimum dimensions and layout of the related shop or kiosk to be used for selling the

credit to consumers in the case of the Permit type B.

(3) The distribution licensee shall ensure that –

(a) its metering system to which the prepayment meters are linked is installed and operated in accordance with the statutory instruments relating to metering code and good utility practice;

(b) the sales equipment it supplies to the aggregator –

(i) is of the right quality and specification;

(ii) conforms with the prevailing standard in force in Sierra Leone at any given time; and

(iii) is fit for the purpose for which it was supplied.

(c) there are adequate procedures in place for rectifying errors and handling disputes relating to the accuracy of the purchases made by consumers;

(d) the aggregator's equipment is maintained and kept in a good state of repair and provide backup maintenance and replacement support when necessary;

(e) where it abrogates the service level contract with an aggregator or when an aggregator's permit is not renewed, sufficient measures shall be put in place to ensure that the consumers who use the services of the relevant aggregator are not denied the prepayment credit service.

(4) A distribution licensee shall –



(a) keep a register of all its aggregators and in the case of Permit B aggregators provide in addition the list of its registered vendors and location of vendors;

(b) make available at its consumer service centres the list of vendors and location of the vendors;

(c) submit monthly financial statements to the Commission on the financial performance of each aggregator;

(d) submit an annual report on the activities of each aggregator to the Commission by the end of the first quarter of the following year.

**13.** (1) An aggregator shall ensure that –

**Obligations of  
the  
aggregator**

(a) the service provided is adequate and non-discriminatory;

(b) the requisite level of facilities and equipment are deployed for undertaking the activities;

(c) it employs persons with the requisite level of skills to undertake the authorized activities;

(d) during each the following shall be recorded –

(i) the date and transaction number;

(ii) number and name in which the meter is registered;

(iii) the amount of credit purchased;

(iv) the customer category;

(v) the existing balance and the top up or the balance after the purchase.

(2) An aggregator shall –

- (a) speedily handle consumer complaints;
- (b) keep a record of each cash transaction and ensure that its accounts are drawn in a manner that makes it possible to be audited if necessary;
- (c) issue a consumer his statement of account over the last three transactions subject to the payment of a fee.

(3) An aggregator granted a permit type A shall ensure that its services are available at all times during the day and night.

(4) An aggregator that has been granted a permit type B shall ensure that –

- (a) it provides the list and location of its vendors at its offices for the information of consumers;
- (b) the sales points provided by its vendors are clearly marked with the appropriate signage to inform consumers that prepayment credit may be obtained from them;
- (c) its vendors provide to consumers –
  - (i) the hours of operation displayed in a conspicuous manner at its place of business;
  - (ii) a receipt for each transaction.

14. (1) A distribution licensee shall establish guidelines for the resolution of prepayment meter credit purchase disputes for the use of aggregators.

**Settlement of disputes**

(2) An aggregator shall –

(a) set up a complaints desk to assist consumers who want to lodge a complaint;

(b) publish or display the dispute guidelines referred to in sub-rule (1) in its office; and

(c) follow the guidelines when resolving disputes with consumers.

**15.** (1) The Commission shall –

**Register of  
aggregators**

(a) maintain a register of aggregators;

(b) publish the list of aggregators on its public register, on its website and in the Gazette

#### **PART IV – MISCELLANEOUS**

**16.** A person who –

**Offences**

(a) provides an aggregator’s service without a permit;

(b) obstructs or interferes with a member of the Commission, officer or a person employed by the Commission in the exercise of powers conferred by the Act and these Rules,

(c) fails to comply with other provisions of the rules

commits an offence punishable under section 65 of the Act.

**17.** A person who before the commencement of these rules was engaged in an activity requiring a permit under these rules shall within 30 days of the commencement of these rules apply for a permit.

**Transitional  
Provision**

**SCHEDULE 1:**  
**APPLICATION FORM FOR AGGREGATOR'S PERMIT**

**Rule 4(3)**

**Section A**

| Type of Permit |   | Permit A | Permit B |
|----------------|---|----------|----------|
| 1.             | Full Name of Applicant  |          |          |
| 2.             | ID / Social Security No.  |          |          |
| 3.             | Business Name   |          |          |
| 4.             | Business TIN  |          |          |
| 5.             | Address   |          |          |
| 6.             | Service representative if different   |          |          |
| 7.             | Telephone number<br><br>Email   |          |          |
| 8.             | Indicate whether new application or renewal.<br>If renewal state current permit number. |          |          |
| 9.             | Provide description of service area or zone where relevant                              |          |          |
| 10.            | List of relevant documents attached as required under Section B                         |          |          |

**Section B**

It is mandatory to provide the following information:

1. Copies of company registration certificates
2. NRA Certificate
3. Service Level Agreement
4. Receipt of payment of application fee
5. Detailed description of operating system

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|       |            |       |
|-------|------------|-------|
| Name: | Signature: | Date: |
|-------|------------|-------|

## SCHEDULE 2:

### APPLICATION FORM FOR AGGREGATOR PERMIT RENEWAL

**Rule 9(2)**

#### Section A

| Type of Permit   | Permit A | Permit B |
|--|----------|----------|
| 1. Full Name of Applicant  |          |          |
| 2. ID / Social Security No.  |          |          |
| 3. Business Name   |          |          |
| 4. Business TIN  |          |          |
| 5. Address   |          |          |
| 6. Service representative, if different  |          |          |
| 7. Telephone number<br>Email   |          |          |
| 8. Indicate whether new application or renewal.<br>If renewal state current permit number. |          |          |
| 9. Provide description of service area or zone where relevant                              |          |          |
| 10. List of relevant documents attached as required under Section B                        |          |          |

## Section B

It is mandatory to provide the following information:

1. Copies of company registration certificates
2. NRA Certificate
3. Service Level Agreement
4. Receipt of payment of application fee
5. Detailed description of operating system

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|       |            |       |
|-------|------------|-------|
| Name: | Signature: | Date: |
|-------|------------|-------|

**SCHEDULE 3:**

**APPLICATION FOR TRANSFER OF PERMIT**

**(Pursuant of Section 33 Sierra Leone Electricity and Water Regulatory Commission Act  
No. 13 of 2011)**

**Rule 11(2)**

**IMPORTANT NOTE:** An application is **incomplete** unless all requirements herein are received and all questions are answered

**1.0 PARTICULARS OF APPLICANT**

**1.1 Applicant Information (Transferor)**

Name: \_\_\_\_\_

Location Address: \_\_\_\_\_  
\_\_\_\_\_

Mobile Phone Number(s): \_\_\_\_\_

Email: \_\_\_\_\_

**1.2 Contact Person Information**

Name: \_\_\_\_\_

Contact Address: \_\_\_\_\_  
\_\_\_\_\_

Mobile Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

**1.3 Applicant Information (Transferee)**

Name: \_\_\_\_\_

Location Address: \_\_\_\_\_  
\_\_\_\_\_



Mobile Phone Number(s): \_\_\_\_\_

Email: \_\_\_\_\_

**1.4 Contact Person Information**

Name: \_\_\_\_\_

Contact Address: \_\_\_\_\_

\_\_\_\_\_

Mobile Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

**2.0 EXISTING PERMIT**

**2.1 Current Permit:**

(a) Permit Number

\_\_\_\_\_

(a) Expiration date of the permit

\_\_\_\_\_

(b) Has the applicant ever been denied a permit or had its permit suspended or revoked by the Commission?

\_\_\_\_\_

If yes, state the case number

\_\_\_\_\_

**2.2 Previous Application(s)**

(a) Have you applied previously for a Transfer of your permit?

\_\_\_\_\_

(b) Has the applicant ever been refused an Application to transfer the licence?

\_\_\_\_\_

If yes, state the case number

\_\_\_\_\_

**2.3 Term of Proposed Transfer**

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**3.0 DECLARATION BY THE APPLICANT(Transferor):**

I/we hereby declare that the details stated above are, to the best of my/our knowledge, true and correct.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

Has hereunto been affixed in the presence of:

Name: \_\_\_\_\_ Sign: \_\_\_\_\_

POSITION if corporate person

**3.0 DECLARATION BY THE APPLICANT(Transferee):**

I/we hereby declare that the details stated above are, to the best of my/our knowledge, true and correct.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

Has hereunto been affixed in the presence of:

Name: \_\_\_\_\_ Sign: \_\_\_\_\_

POSITION if corporate person

Sworn to this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ at \_\_\_\_\_

**BEFORE ME**

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**NOTARY PUBLIC/COMMISSIONER OF OATHS**

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**FOR OFFICIAL USE ONLY**

1. Date of submission of application: \_\_\_\_\_

2. Fees Paid and Receipt Number: \_\_\_\_\_  
\_\_\_\_\_

3. Results of Verification for completeness: \_\_\_\_\_  
\_\_\_\_\_

4. Recommendation of EWRC Legal Division  
\_\_\_\_\_

5. Recommendation of EWRC Engineering, Standards and Safety  
\_\_\_\_\_

6. Decision of EWRC \_\_\_\_\_

7. Issue date and expiration date of Licence \_\_\_\_\_

8. Effective date of amendment \_\_\_\_\_

9. Other Relevant information  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **EXPLANATORY MEMORANDUM**

**(This explanatory memorandum is not part of these rules but is intended to indicate its general purport)**

This statutory instrument is made pursuant to section 66 of the Sierra Leone Electricity and Water Regulatory Commission Act 2011. This instrument is divided into 4 parts.

Part I covers the interpretation and application provisions. The interpretation provision defines words and expressions used throughout the instrument. The application provision stipulates that the instrument applies to the relationship between a distribution licensee, aggregator and vendor and their interface with the consumer regarding prepayment metering systems.

Part II covers provisions relating to types of permit, the process of application for a permit, duration of permit, renewal of permit, suspension or cancellation of permit, transfer of permit and other related provisions.

Part III covers provisions on obligations of a distribution licensee and an aggregator, the settlement of disputes and other related provisions.

Part IV contains miscellaneous provisions.

*Made this 13th day of December, 2019.*

MOHAMED D. B. SESAY  
Chairman