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ENERGY REGULATION BOARD

**ALTERNATIVE DISPUTE
RESOLUTION**

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INTRODUCTION

- The ERB is mandated to receive and investigate complaints from consumers and undertakings.
- The ERB does not have a formal dispute resolution mechanism and relies mostly on Alternative Dispute Resolution mechanisms.



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FUNCTIONS OF THE BOARD

- The Functions of the ERB are enumerated in Section 6 of the Energy Regulation Act.
- Section 6 (1) (c) provides that the Board shall receive and investigate complaints from consumers on price adjustments by any undertaking...
- Section 6 (1) (d) states that, the Board shall receive or investigate complaints from consumers and licensed undertakings on services provided by the undertaking...



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DISPUTE RESOLUTION

- The mechanisms used in alternative dispute Resolution are
 - Negotiation
 - Mediation
 - Arbitration



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NEGOTIATION

- The ERB encourages the parties to a dispute to hold discussions with a view to reconciling divergent opinions.
- Negotiation is the most satisfactory method of resolving disputes as the parties are directly engaged.
- Negotiation is normally the precursor to the other settlement procedures .



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MEDIATION

- The ERB has used this mechanism a few times to resolve disputes.
- The ERB invites parties to a dispute and actively participates in the negotiation process by bringing the parties to a resolution.



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ARBITRATION

- The ERB can act as an Arbitrator if called upon to arbitrate in a dispute between consumers and utilities.
- An Arbitration will usually take place where there is an Arbitration clause in a contract between the parties.



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Arbitration Cont'd

- Under the Electricity Act Cap 433 if the utility causes damage to persons whilst executing works and if it can not reach agreement on the quantum of damages with the injured party, the issue of the amount of compensation has to be referred to an Independent Arbitrator.
- The ERB ensures that such matters are quickly resolved by monitoring the Arbitration process.



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CONCLUSION

- The Electric Utility is of the view that ERB can not be an impartial Arbitrator as it perceives the ERB as interested party.
- The ERB is now in the process of developing a formal dispute resolution mechanism.