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# MacArthur Foundation

## **Executive Summary**

This Corruption Perception Index (CPI) forms part of SDN's "Promoting Accountability in the Electricity Sector" project. Funded by the John D. and Catherine T. MacArthur Foundation, the project is designed to help reduce corruption in the electricity sector, in particular at the distribution stage of the energy cycle. It aims to contribute to improved power provision by promoting greater mutual accountability between electricity distribution companies and consumers.

To inform this work, SDN surveyed the views of household and business electricity users on electricity sector corruption in the Niger Delta. The survey was carried out in selected rural, semi-urban and urban locations in Delta and Edo states. These included Warri-Edjegba, Udu, Sapele, Benin GRA, Sakponda Benin, and Utagban. The report examines data generated from 720 electricity consumers on corruption issues in the electricity sector in the distribution area of the Benin Electricity Distribution Company (BEDC).

The report finds that corruption is prevalent in the BEDC distribution area, and that power consumers, BEDC employees and the distribution company (DISCO) itself are complicit. Common forms of corruption include illegal connections to the grid, the evasion or underpayment of bills, and the partial or complete diversion of load from the visibility of the metering system.

#### Key issues include that:

- The solicitation of bribes by BEDC employees is a recurring problem.
- A crucial factor enabling corruption is poor metering of consumers, and a reliance on estimated billing.
- Most respondents do not think that BEDC is doing enough to tackle corruption in its service area.
- Respondents are willing to report incidents of corruption but do not know the channels to do so.

Based on these and other findings, key recommendations for the following stakeholders include;

#### **BEDC**

- Ensure consumer awareness of corruption issues by integrating education and support into their operations.
- Provide clear complaints channels.
- Strengthen internal monitoring and response systems.
- End estimated billing.

#### **Consumers**

- Report corruption when identified.
- Identify service delivery problems and make reasonable complaints relating to them.
- Insist on metered billing.

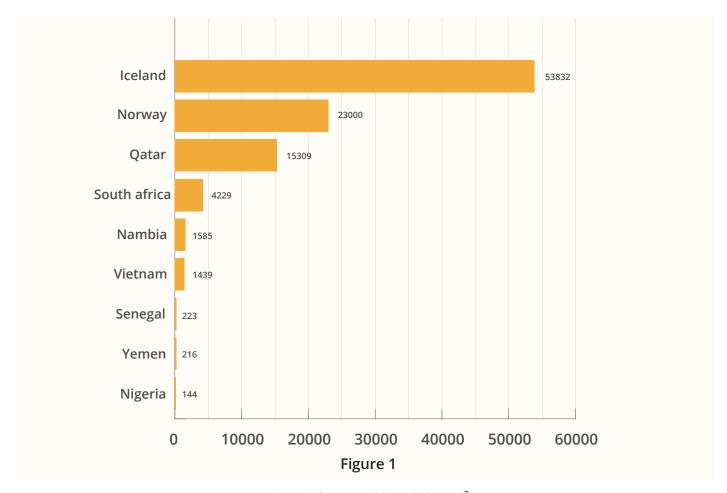
#### Government

Develop a national action plan to tackle corruption in the electricity sector

The survey is relevant not only to BEDC but to other DISCOs and the sector more broadly. Corruption impacts on DISCO profitability and that of electricity generating companies, whose business depends on DISCO capacity to reduce risks to revenue collection. If left unchecked, corruption could undercut the entire electricity supply architecture.

### Introduction

Nigeria has some of the lowest per capita electricity generation and consumption figures in the  $world^1$ . Only 12.5% of its population of 170 million people have access to distributed electricity, despite nearly \$20 billion of investment in the last two decades<sup>2</sup>.



Adapted from World Bank (2014)<sup>3</sup>

In 2017, the Nigerian Power Minister Babatunde Fashola, announced that total installed capacity was 6,803 megawatts (MW) and wheeling capacity was 6,700MW.<sup>4</sup> Although a marked improvement in generation from the 2015 total of 4,598 MW, this still falls far short of Nigeria's medium and long term power needs. Industry specialists say this will be 30,000MW by 2020 and 78,000MW by 2030.<sup>5</sup> There is also concern that generation may continue to oscillate between 2,500MW and 6,700MW due to the frequent vandalism of gas supply lines. This has become a major factor inhibiting electricity generation in the country.

While sabotage of generation and transmission infrastructure is an acknowledged constraint, corruption is also a factor in Nigeria's failure to deliver sufficient electricity to its citizens. The Socio-Economic Rights and Accountability Project (SERAP) has reported that N11 trillion has been lost to corruption in the power sector since 1999. SERAP notes that owing to poor power sector regulations, institutional failure, and a government-dominated electricity sector governance approach, corruption could see the financial loss rise to N20 trillion in the next decade.<sup>6</sup>

Attempts to find a solution to Nigeria's power challenges have placed importance on the design of the distribution framework. Since 1999 the sector has undergone reform, including the transfer of assets and liabilities from the now-defunct National Electric Power Authority (NEPA) to the Power Holding Company of Nigeria (PHCN) in 2005, which was subsequently unbundled (privatised) into several successor companies in 2013. Currently, in addition to Generation Companies (GENCOs) created by the break-up of PHCN, 11 successor DISCOs hold licences to distribute power in different parts of the country. DISCOs are a critical component of the electricity provision architecture because they "...provide last mile services in the electricity supply value chain... the connection between customers and the electricity grid..."<sup>77</sup>

Because they are the connection between consumers and grid, DISCO operations are key to corruption in the power sector. DISCOs allege and are often able to show proof of consumer fraud at this interface, which most often manifests itself as "electricity theft". In simple terms, this means non-payment for electricity consumed. Consumers and DISCO employees have been alleged of collusion, including involving bribery, to make illegal or undetected connections to electricity networks, evade or underpay bills, and divert electricity load from the metering system (meter bypass).

Electricity theft accounts for the largest percentage of DISCO financial losses, with 40% of distributed electricity reportedly lost to it.<sup>8</sup> One DISCO has attributed monthly losses of seven million kilowatt hours (kWh), the equivalent of N238 billion, to electricity theft by 60% of total connected users.<sup>9</sup> Other DISCOs have reported similar losses. This affects their ability to pay for bulk electricity received for distribution.<sup>10</sup> And this, in turn, has the potential to undermine GENCO capacity to afford gas for sustained generation

Consumers have on their part accused DISCO company practices of corruption, including extortion and breach of service. This includes accounts of estimated billing regimes forcing consumers to pay more than they would with a metering system. Some have argued that the estimated bill calculation leads to higher profits for DISCOs, disincentivising the companies from metering consumers and reducing bills.

There have also been reports that DISCOs charge consumers to fix faulty distribution lines and transformers, when doing so is a DISCO obligation; according to the Nigeria Electricity Regulatory Commission (NERC) Distribution Code (DCode), it is the sole responsibility of DISCOs to fix broken distribution infrastructure. However, neighbourhoods failing to pay for repairs risk a prolonged stay in the dark. Finally, there are concerns from consumers that DISCOs do not have proper channels for reporting these and other irregularities.

These practices violate the rules regulating DISCO operations. Based on these regulations, the NERC requires DISCOs, among other obligations, to:

- Provide electricity meters to all customers.
- Provide equipment for new installations and the replacement of distribution facilities (poles, wires/cables, transformers, and similar).
- Provide properly-equipped Consumer Complaint Units (CCUs) for consumers to make complaints.

The perpetuation of corrupt practices by DISCOs and power consumers, despite warnings of the negative impact by industry watchers, has until recently seen little response. However, in August 2017, the DISCO umbrella body, the Association of Nigerian Electricity Distributors (ANED), announced a partnership with the Economic and Financial Crimes Commission (EFCC), the Nigerian Police, and other security agencies to identify and discipline corrupt DISCO employees. ANED noted that corrupt employees from a particular DISCO had been arrested, and that work would continue throughout the country to "sanitise" the sector.<sup>11</sup>

This CPI presents findings on these issues from the distribution area of the BEDC.

## Methodology

### **Electricity supply**

The BEDC distribution area was chosen because of BEDC's welcome openness to engagement aimed at reducing irregularities and improving customer satisfaction in its franchise states of Delta, Edo, Ekiti and Ondo.<sup>12</sup> Like other distribution areas, the BEDC service area has had its share of reports of corrupt practices. For example, in 2017, frustrated consumers besieged BEDC's Asaba District Office, in Delta state, to protest against its failure to restore electricity to Bonsac residents in Aniocha local government area.

The protesters said that despite paying N1 million to fix a faulty transformer – as demanded by the Area Business Manager – the transformer was still in a bad state four months later. The protesters also alleged that BEDC refused to install prepaid meters, preferring exorbitant estimated billing and threatening to disconnect consumers who complained about their bills.<sup>13</sup>

Recently, BEDC revealed that the alarming rate of electricity theft was taking a toll on its expected revenue. Consequently, it was behind on payments to business partners in its supply chain, and unable to pursue metering of consumers. The company stated that both residential and corporate electricity consumers engaged in the theft of a significant amount of distributed electricity.<sup>14</sup> Its distribution area therefore makes a good case study to examine these issues in more detail.

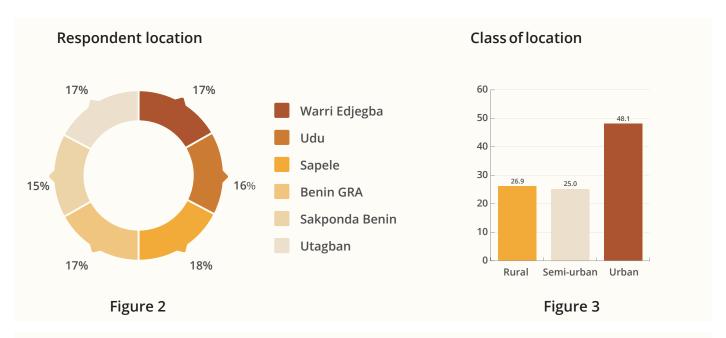
### **Data generation**

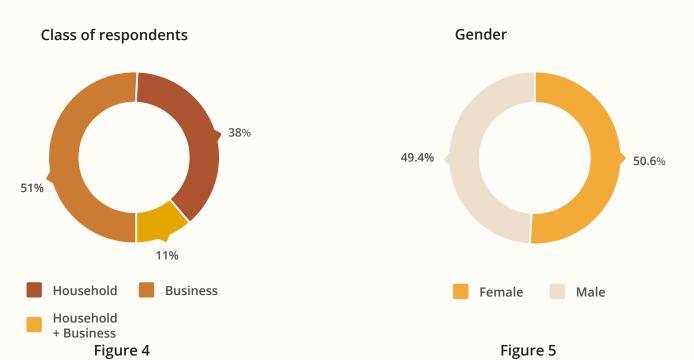
Data collection

- Survey Monkey questionnaires were physically administered to 700 power consumers.
- 20 face-to-face interviews were carried out with power consumers.

Location and demographics of respondents

- Edo and Delta Business Districts.
- Randomly selected residential and corporate consumers in rural, semi-urban, and urban areas.



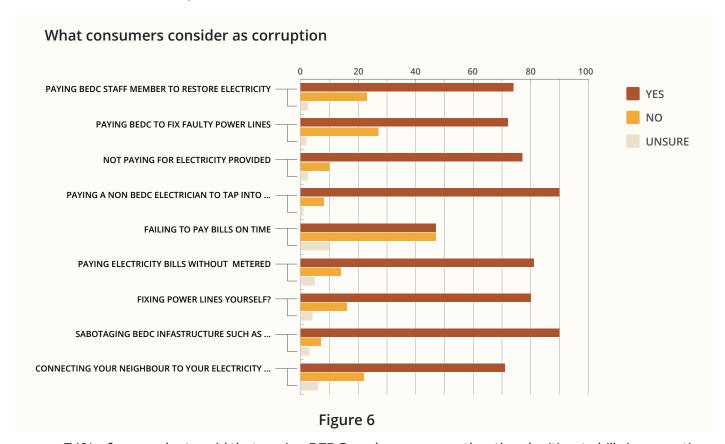


- Household consumers: persons who use electricity mostly for domestic purposes
- Business consumers: persons who use electricity mainly for business purposes
- Household + Business consumers: persons who use electricity for household and business purposes (usually operating businesses from their homes).

## **Research findings**

### What constitutes corruption?

Respondents were asked to identify different types of behaviour and whether they would consider these as corruption.

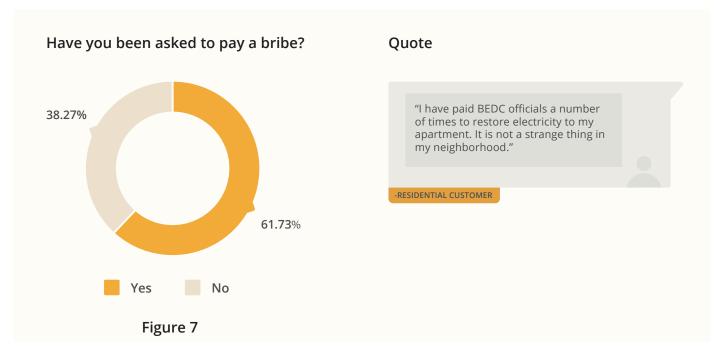


- 74% of respondents said that paying BEDC workers money other than legitimate bills is corruption.
- 72% said that being asked to pay to fix faulty BEDC distribution facilities is corruption.
- 87% consider nonpayment of bills as corruption.
- 90% think that engaging individuals other than BEDC technicians to handle distribution facilities is corruption.
- 43% think failing to pay a bill on time is corruption

- 91% believe that unmetered billing is corruption.
- 80% agree that consumers fixing their own power lines or other facilities is corruption.
- 90% agree that sabotaging BEDC's facilities is corruption.
- 72% said connecting neighbours to their supply is corruption.

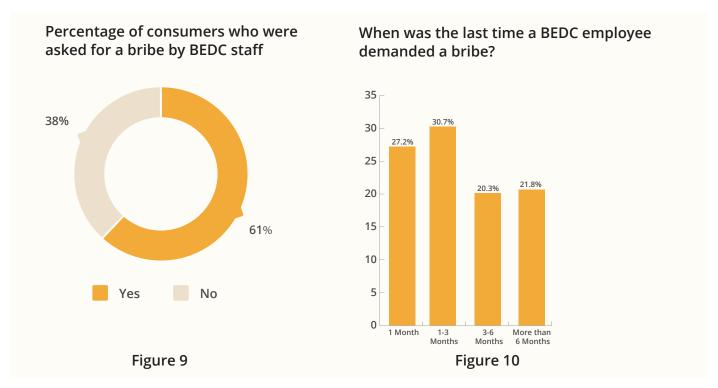
### The scale of the problem

Respondents were asked whether they had been requested to pay a bribe, and if the problem had got worse in recent years.

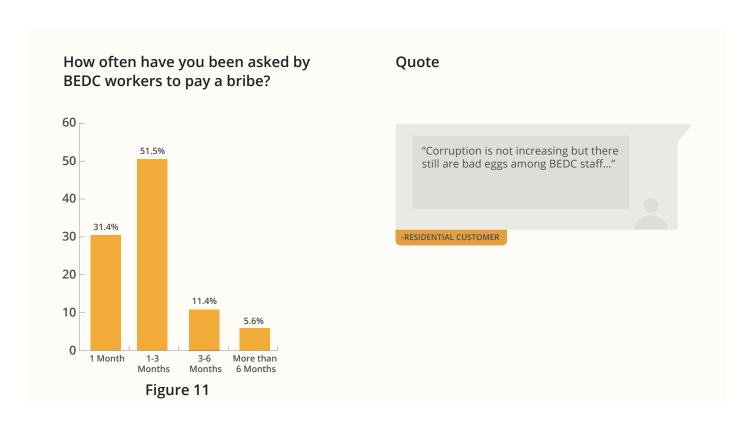


Most respondents believe that the ability to pay a bribe to BEDC staff to retain or restore a connection dissuades consumers from paying their bills. The bribe paid is often a fraction of the actual bill.

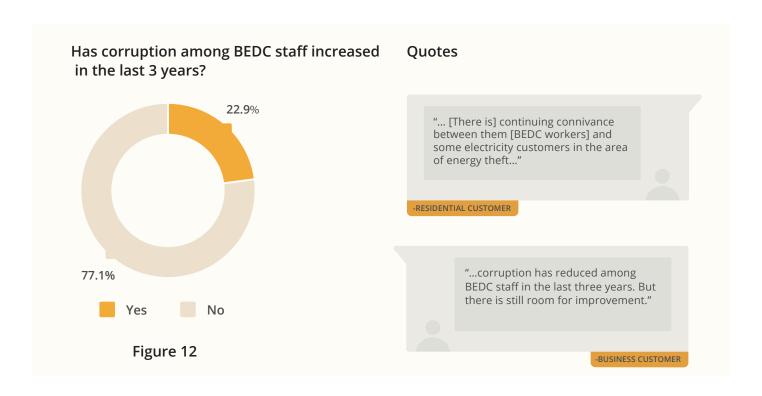
58% of respondents said they had paid a bribe to a BEDC worker in the last 12 months.



51.54% of respondents who said they had paid a bribe in the last year said they were asked to do so 1-3 times. Some said they had been asked for a bribe six times or more.



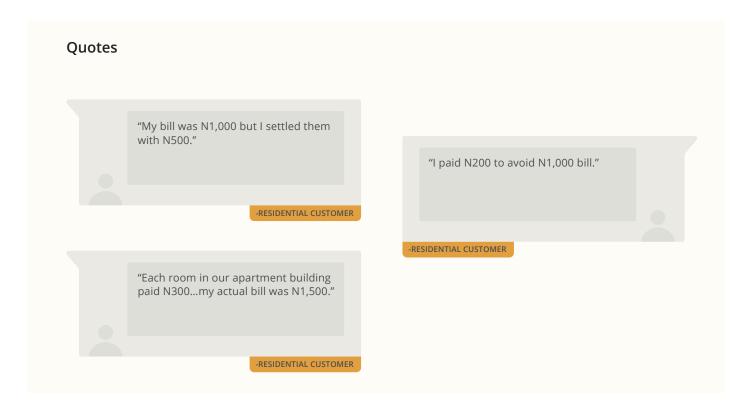
96% of residential consumers and 92% of business customers believe that BEDC workers who engage with consumers exhibit corrupt tendencies. However, while it remains a major concern, most respondents did not think that the problem had got worse in the last three years.



Employees' conduct with customers could have implications for the reputation of service-oriented businesses and public institutions. Some respondents said dishonesty by BEDC employees jeopardises the company's reputation, as employee behaviour reflects on organisational valuees.

### Paying bribes to evade bills?

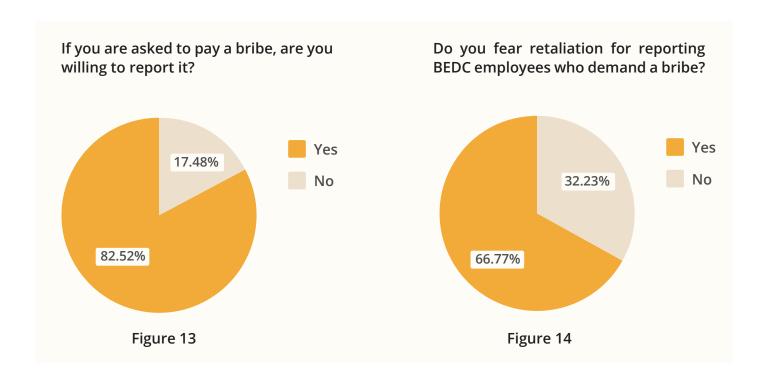
The impact of bribery on business is increased when customers enjoy insider support. Some respondents said they have avoided paying bills, or paid less than what they owe, after receiving help from BEDC employees.



However, some respondents said it is wrong to pay a bribe to avoid paying bills. They noted that doing so benefits dishonest employees while negatively impacting on the company's profitability and capacity to remain in operation.

### Consumer reporting of corruption

Respondents were asked if they would report instances of bribery to the distribution company



The majority of respondents said they are willing to complain if BEDC staff ask them for a bribe, although more than a quarter of respondents say they would not report it. Respondents who will not report BEDC officials who ask for a bribe did not say it was because they are afraid of retaliation.

The survey reveals that despite the willingness by a majority of power consumers to complain about corrupt BEDC employees, they still fail to do so. The key question is why. Those who will not report corruption say it is because of pity and complicity, which can result in unintended camaraderie. This is also part of the reason they will not report other consumers who are cheating the system.

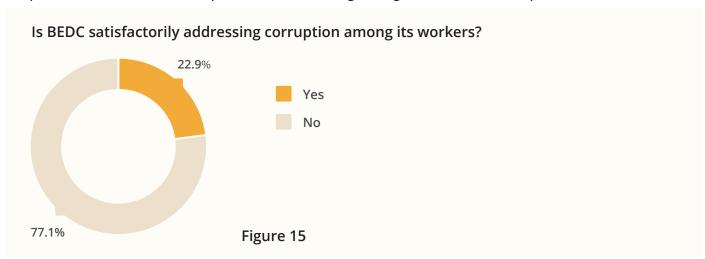
#### As some noted:



Devising an incentives strategy for corruption reporting might help turn around this state of affairs in the BEDC service area.

### The BEDC response

Respondents were asked if they felt BEDC was doing enough to deal with corruption within its workforce.



77.06% respondents think that BEDC is not doing enough to punish corrupt employees. Respondents believe that while ethical conduct is expected of BEDC consumers and employees, tackling corruption will depend on its internal framework for preventing illicit activities in its workforce and area of operation.

#### Maintenance of distribution facilities

Respondents were asked if they have been asked for payment to fix electricity infrastructure. As previously noted, compelling consumers to pay for fixing faulty transformers, electric poles, cables, and meters is considered by many as a form of corruption.

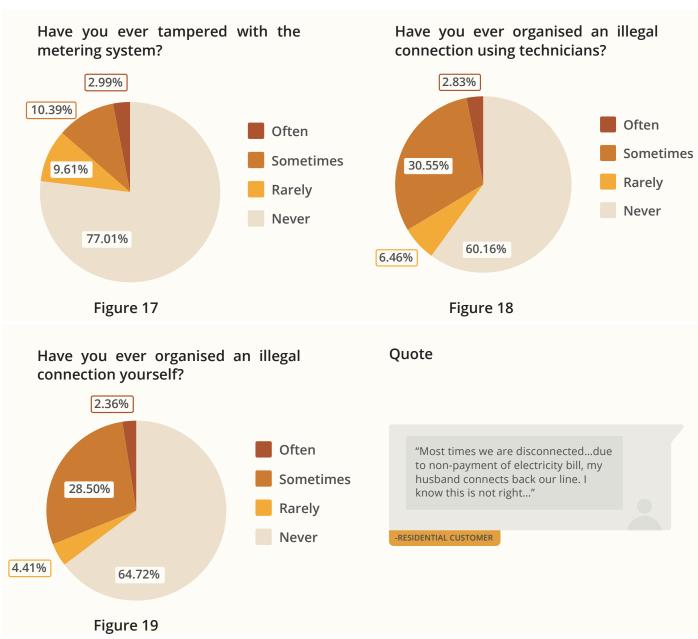


51.81% of respondents said they had been asked to pay to fix broken facilities while 48.19% said they had never been asked to bear such costs.

Respondents noted that when asked to pay for repairs, it is usually the unofficial neighbourhood or community electricity committee that determines the amount to be levied on each consumer.<sup>15</sup> The committees, which are intermediaries between BEDC and power users, collect the levies on behalf of BEDC.

### **Consumer corruption**

There is considerable knowledge among respondents about illicit consumer practices. Some said they had engaged in this, but, as noted, many will not report other consumers engaging in dishonest practices.



Establishing an illegal connection, or an illegal reconnection after disconnection by BEDC, are common consumer practices. 35% of respondents said they had personally handled illegal connections. As noted, illegal access to electricity constitutes a significant portion of DISCO revenue loss.

### **Enabling factors**

Respondents were asked to identify factors that they believe enable corruption, involving BEDC employees or consumers.

Poor monitoring of BEDC's service staff:
 Respondents do not think that BEDC keeps a close eye on its workers who engage with power consumers.



No clear and convenient whistleblowing channels:
 Some respondents said they were eager to report corruption but did not know the proper channels to do so.



Respondents were asked to identify factors that they believe enable corruption, involving BEDC employees or consumers.

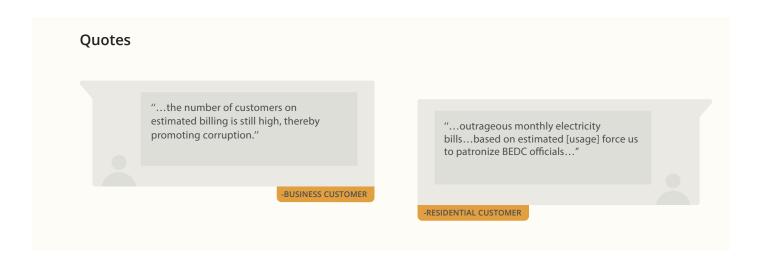
#### Unmetered consumers:

Most respondents believe that BEDC's inability to meter all consumers promotes corruption. They noted that some consumers secretly use high-consumption appliances but pay less than they should because their usage is not metered.



#### Estimated billing:

Estimated billing is thought to drive consumers to backdoor practices. Respondents said most consumers distrust estimated bills so devise means to evade payment yet remain connected.



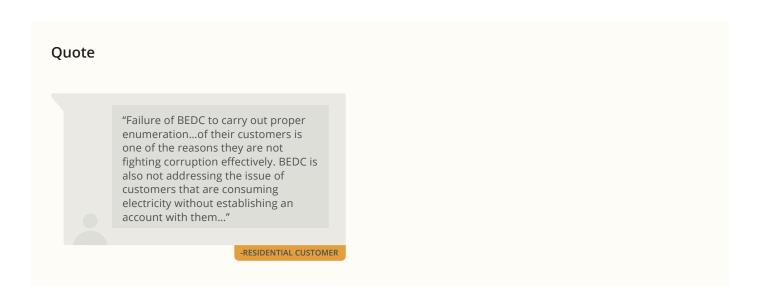
#### Billing consumers despite irregular supply:

Some unmetered respondents said that even when they have little power, they are sent usage bills not significantly different from when they have lots. They say this compels them to dodge payment.



#### No database of all power consumers:

Some consumers are not on BEDC's record. They are believed to organise concealed, illegal connections. Respondents do not think that BEDC is doing enough to establish a comprehensive record of power users.



## **Challenging corruption: Steps and recommendations**

This survey identifies key areas where factors that enable corruption can be addressed. Doing so would build on the good will that the report also notes; BEDC supported this research, and respondents expressed a willingness to partner with BEDC to tackle irregularities in its distribution area.

To achieve this, ethical norms and standards in behaviour need to be improved. This survey's results indicate that consumers and DISCO officials recognise when they engage in low-level corrupt practices. Government should support industry and civil society to run advocacy campaigns raising awareness of the negative impact of corruption on revenue generation, and the ability of DISCOs to deliver electricity. It is important to try and break the feedback loop which sees frustration at poor service delivery nurture the grievances that push people to engage in corrupt practices in the first place.

When low-level corruption does takes place, those who are in a position to report it must be able to do so safely and securely. This survey noted that consumers will report corruption if there are incentives to do so, so BEDC could provide a whistle-blowing mechanism, potentially including rewards. However, this would need to be carefully designed, so as not to create a source of conflict (for example, by enabling business or other rivals to make false allegations against each other). An examination of the recent introduction of a whistle-blower policy by the federal government could be a starting point for this work.<sup>16</sup>

To increase the utility of any such reporting, BEDC should assess its internal frameworks to identify and address gaps in the system where corrupt practices occur, by individuals and those assisted by BEDC's own staff. This should include the development of a comprehensive database of all power consumers.

Advocacy around behaviour change, and the development of internal monitoring systems, should be back-stopped by a clear set of rules for proper conduct among all parties, including a framework for their enforcement. A first step in this could be the establishment of a clear and simple consumer complaints mechanism. Developing this in coordinating with consumer and civil society groups would give electricity users the confidence to know that their rights as paying customers would be upheld. BEDC should also try and uphold these rights – and reduce the incentive for corruption – by reviewing its systems and procedures related to, and ensuring it fulfils,

its obligations to maintain infrastructure. These systems do not currently appear to be sufficient.

Infrastructure development should include the provision of prepaid meters to all customers. Many remain unmetered, and consequently receive bills that do not reflect consumption; some of those who use illegitimate means to access electricity say they do so because their estimated bills are unfair. Respondents with meters say they have no incentive to cheat the system, because the prepaid system gives them control over their expenditure. BEDC should also examine the role of its informal representatives (in the form of neighbourhood electricity revenue collection committees) as a source of distrust and manipulation in the electricity sector.

Finally, there needs to be coordinated political support to BEDC and other DISCOs to develop and enforce broader regulation to curb corruption in the sector. As noted, this report focuses on corruption in the 'last mile' of the distribution network, and it is unsurprising that consumer-based corruption occurs where consumers physically access the grid. But this is only one part of the jigsaw, and there is a need for high-level action to address systemic issues in the sector. The development of recent initiatives such as the ANED-EFCC partnership could support this.

Taking steps to address these issues would have a significant impact on the power sector in Nigeria. Distribution-stage corruption undermines DISCO profitability – as well as that of the rest of the value chain, as DISCOs form the only direct link with consumers. Providing support to DISCOs to plug revenue leakages and deliver on their obligations would be a significant step – but the broader issues must also be addressed if Nigeria is to deliver on its electrification agenda.

### **Recommendations**

#### For BEDC

#### **Ensure consumer awareness**

BEDC and other DISCOs should integrate consumer education and support in their operations. They should provide appropriate education to consumers on forms of corruption and how to complain.

#### Establish a whistle-blowing strategy

BEDC should assess the feasibility of developing a corruption reporting mechanism for consumers. This must however consider the safety and security of, and potential unintended consequences for, those who report and those who are alleged to have engaged in corruption.

#### Provide clear and convenient complaints channels

BEDC should provide an easy-to-access customer complaint and follow-up mechanism, such as a telephone line or online platform. Consumers must know they can raise legitimate concerns about service delivery, or else the incentive to turn to corruption to address problems will not be reduced.

#### Strengthen internal systems for limiting corruption

BEDC should review and develop a clear set of systems and processes to prevent, monitor and respond to internal and external allegations of corruption. BEDC could also seek to engage with the ANED/EFCC/security agency partnership to deter and punish staff involved in corruption.

#### Adhere to the Nigerian Distribution Code (DCode)

BEDC should take full responsibility for the repair and maintenance of electricity distribution infrastructure in line with its legal obligations. This would address a key grievance of some of those who turn to corruption to address problems in service delivery.

#### End estimated billing

BEDC should provide prepaid meters to all consumers, reducing the disparities reported been actual and billed usage, which is shown to increase frustration among electricity consumers.

#### Prosecute consumers involved in illicit activities

BEDC should invoke electricity sector and criminal laws when consumers are found to be involved in corrupt practices.

#### For consumers

#### Stop power theft

Consumers should take responsibility for paying their bills in full and on time. Corruption is an issue of mutual accountability and DISCOs have legitimate business goals, which are undermined by consumer involvement in corruption.

#### Report corruption

Consumers should report crime and dishonest conduct. This is both a civic duty and also a key need for DISCOs to identify, map and respond to allegations of corruption.

#### Identify problems and make reasonable complaints.

Consumers should support BEDC and other DISCOs to identify problems by making reasonable complaints when the DISCOs do not provide the service paid for.

#### Insist on metered billing

Consumers should reject estimated billing and insist on metering, so they are confident that they are only paying for the electricity they use.

### For government

#### Raise public awareness

The government should support DISCOs to ensure full revenue capture by using the National Orientation Agency and other state structures to run a public awareness campaign on the impact of electricity corruption.

#### Develop a national action plan to tackle corruption in the electricity sector.

The government should recognise electricity corruption as a key public interest concern, and support industry and other measures to prevent, monitor and respond to allegations of corruption. This could include consulting with the electricity sector, consumer groups and transparency and anti-corruption experts to identify where it can provide federal support to tackle the issues raised in this survey. As this report shows, there are practical steps that can be taken that do not necessarily require legislative action.

- 1 See Index Mundi Country Comparison. January, 2014.
- 2 See PwC's Annual Power and Utilities Roundtable: The challenges with transforming the Nigerian power landscape (2016)
- 3 Electric power consumption (kWh per capita). Available at: https://data.worldbank.org/indicator/EG.USE.ELEC.KH.PC
- Wheeling is the transportation of electric power from its point of generation through transmission lines to DISCOs for onward distribution.
- 5 Latham and Watkins, Nigerian Power Sector: Opportunities and Challenges for Investment in 2016. White Paper. February, 2016.
- 6 From Darkness to Darkness: How Nigerians Are Paying the Price for the Electricity Sector. SERAP, August, 2017.
- 7 Odion Omonfoman, "Electricity Distribution Companies The Challenges and Way Forward." Premium Times. January 4, 2016.
- 8 Credited to Thomas Dada, Managing Director Frontier Oil & Gas. "Nigeria loses 40% of generated electricity to theft, says expert." The Nation. July 13, 2015.
- 9 "We're losing N238bn monthly to theft Power firm." Punch. July 23, 2016.
- The Nigerian Bulk Electricity Trading Plc (NBET) a federal government parastatal in the Ministry of Power, Works and Housing purchases electricity from GENCOs and resells to DISCOs. It plays the role of guarantor of DISCOs' bulk electricity purchases. NBET provide guarantees so that GENCOs will generate power without fear of payment risks. However, DISCO revenue losses strain this arrangement.
- 11 "DisCos, EFCC partner to fight corruption." The Nation. August 3, 2017.
- 12 It should be noted that BEDC supported the research for this report, including providing valuable consumer classification and location information to ensure a proper respondent sample.
- 13 "BEDC Business Manager Accused of Corruption." 247ureports. March 17, 2017.
- 14 "BEDC identifies energy theft as major challenge to effective electricity." Nigerian Tribune. May 18, 2017.
- In areas where power usage is not metered, locals form a committee that determines, with help from the DISCO, the number of consumers connected to power transformers and the total estimated monthly bill per transformer. The committee divides the bulk bill among consumers, collects the payment and remits to the DISCO. The committee also levies consumers to raise funds to repair distribution facilities.
- 16 "Whistle-blower policy, one of Buhari's main achievements Adeosun." Premium Times. August 15, 2017