

THE

LIBERIA OFFICIAL
GAZETTE

PUBLISHED BY AUTHORITY

VOL. XXV

MONDAY, MARCH 17, 2025

NO. 10

EXTRAORDINARY

THE GOVERNMENT OF THE REPUBLIC OF LIBERIA ANNOUNCES THAT PURSUANT TO THE 2015 ELECTRICITY LAW OF LIBERIA, CHAPTER 3, SPECIFICALLY SECTION 3.3, THE LIBERIA ELECTRICITY REGULATORY COMMISSION (LERC) HEREBY ISSUES AND PUBLISHES ON MARCH 17, 2025, THE BELOW REGULATIONS:

PENALTIES REGULATIONS FOR SERVICE PROVIDERS IN THE ELECTRICITY SUPPLY INDUSTRY.

BY ORDER OF THE PRESIDENT

**MME. SARA BEYSOLOW NYANTI
MINISTER OF FOREIGN AFFAIRS**

**MINISTRY OF FOREIGN AFFAIRS
MONROVIA, LIBERIA
MARCH 17, 2025**

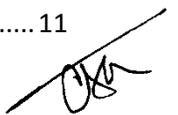


PENALTIES REGULATIONS
for
SERVICE PROVIDERS
in the
ELECTRICITY SUPPLY INDUSTRY

February 2025

TABLE OF CONTENTS

PART I - PRELIMINARY AND GENERAL PROVISIONS	3
1. CITATION	3
2. PURPOSE, APPLICABILITY AND SEVERABILITY.....	3
3. DEFINITIONS.....	4
PART II – PROCEDURES FOR IMPOSING PENALTIES	5
4. NOTICE RELATING TO PENALTY	5
5. OPPORTUNITY TO MAKE REPRESENTATIONS.....	5
6. DETERMINATION TO IMPOSE PENALTY	6
7. APPEAL AGAINST PENALTY	6
8. PAYMENT OF PENALTY.....	6
9. PAYMENT TO NATIONAL TREASURY	6
PART III – VIOLATIONS	7
10. VIOLATION RELATING TO REGISTERING	7
11. VIOLATION RELATING TO GRANT OF LICENSE OR PERMIT	7
12. VIOLATION RELATING TO TARIFFS.....	7
14. VIOLATION RELATING TO TECHNICAL STANDARDS AND CODES	8
15. VIOLATION RELATING TO HEALTH AND SAFETY.....	8
16. VIOLATION RELATING TO ENVIRONMENTAL REQUIREMENTS.....	8
17. MAKING OR FURNISHING FALSE RETURNS.....	8
18. OBSTRUCTION AND INTERFERENCE WITH COMMISSION	8
PART IV - MISCELLANEOUS PROVISIONS.....	9
19. VIOLATION BY A CORPORATE BODY	9
20. PENALTIES ARE WITHOUT PREJUDICE TO OTHER ACTIONS	9
21. CONSEQUENCIES OF NON-PAYMENT	9
22. LIMITATION PERIOD.....	9
SCHEDULE 1: FINES SCHEDULE.....	11



**REPUBLIC OF LIBERIA
STATUTORY RULES AND ORDERS**

Published on 20th February 2025

Liberia Electricity Regulatory Commission

IN EXERCISE of the powers conferred by chapters 3.3, 4.1, 6.12 and 13.7(1) of the 2015 Electricity Law of Liberia, the Liberia Electricity Regulatory Commission makes the following Regulations this – day of --- 2022.

THE PENALTIES REGULATIONS

LERC - REG. – 009

2025

PART I - PRELIMINARY AND GENERAL PROVISIONS

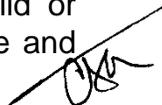
1. CITATION

- (1) These Regulations may be cited as the Penalties Regulations, 2025.
- (2) These Regulations come into force on the 20th day of February 2025.

2. PURPOSE, APPLICABILITY AND SEVERABILITY

- (1) These Regulations establish the framework for the imposition of administrative penalties for single as well as repetitive violations or the failure to comply with a regulatory requirement or regulatory obligation.
- (2) These Regulations apply to:
 - (a) a licensee, or holder of a permit or authorization; and
 - (b) an officer, employee or agent of a licensee or permit holder.

- (3) If any provision in these Regulations shall for any reason be held invalid or unenforceable, the other provisions not affected thereby shall remain in full force and effect.



3. DEFINITIONS

In these Regulations unless the context otherwise requires:

Authorization	Means an instrument issued by the Commission to an entity that operates below the threshold required for a License or Permit
Board	Means the Board of Commissioners of LERC.
Consumer	Means a person who uses a service provider's electricity services whether under a contractual arrangement with the service provider or is entitled to have a reasonable expectation of service or who is affected by the service or the manner in which the service is delivered.
Customer	Means a person or his successor in interest who purchases or receives electric power for consumption and not for delivery or resale to others, including a person who owns or occupies premises where electric power is supplied under a contract, express or implied.
LERC	Means the Liberia Electricity Regulatory Commission established under the 2015 Electricity Law of Liberia.
License	Means
Licensee	Means person granted a license by LERC under the Electricity Licensing Regulations or the Micro Utility Licensing Regulations to operate in the electricity supply industry of Liberia.
Permit	Means an instrument issued by the Commission to an entity to engage in an electricity activity at a threshold.
Permit holder	Means a person granted a permit by LERC under the Electricity Licensing Regulations or the Micro Utility Licensing Regulations to operate in the electricity supply industry of Liberia.
Regulations	Means regulations promulgated by the Commission.
Representative	Means a party's counsel, witness or expert.
Service provider	Means a person granted a license or a permit to engage in a regulated activity under the Electricity Licensing Regulations, 2020.
Violation	Means - a. the contravention of a provision of the Act or Regulations; b. failure to comply with an order made under the Act or Regulations; c. failure to comply with a requirement of a license, permit or authorization.

PART II – PROCEDURES FOR IMPOSING PENALTIES

4. NOTICE RELATING TO PENALTY

(1) If the LERC intends to impose a penalty for a violation by a person, the Commission shall, before imposing the penalty issue a citation to the person.

(2) The citation shall:

(a) include:

- (i) the name of the person who is the subject of the notice;
- (ii) the description of the circumstances that gave rise to the violation;
- (iii) the right of the person to make representations under these regulations;
- (iv) a preliminary assessment of the amount of the penalty; and

(b) state:

- (i) the provision of the Act, Regulations violated;
- (ii) the order the person failed to comply with; or
- (iii) the requirement of a license, permit or authorization the person failed to comply with.

(3) Despite sub regulation (1) the Commission is not obliged to issue the citation in respect of a minor violation.

5. OPPORTUNITY TO MAKE REPRESENTATIONS

(1) Before imposing the penalty, the Commission must provide the person an opportunity to make representations in respect of the alleged violation.

(2) A person intending to make representations must make a request to the Commission in writing within 15 days of receiving the notice in regulation 4.

(3) Subject to sub regulation (4), the Commission:

(a) must conduct an electronic, written or oral hearing or a combination of them as the Commission considers appropriate; and

(b) may:

- (i) determine the circumstances, the place and process by which, the hearing will be conducted;

(ii) specify the form and content of material to be provided.

(4) If the person does not provide the material to the Commission in accordance with sub regulation (3)(b)(ii), the Commission is not obliged to conduct the hearing.

6. DETERMINATION TO IMPOSE PENALTY

- (1) The Commission shall make the determination to impose the penalty within
- (a) 15 days of receiving the representation; or
 - (b) 15 days of the citation if the person decides not to make a representation or contest the citation.

(2) When the Commission determines to impose the penalty, it shall issue a determination which, must include the following:

- (a) the name of person liable to pay the penalty;
- (b) the reason for the decision;
- (c) the violation or failure in respect of which the penalty is imposed;
- (d) the amount of the penalty;
- (e) the person's right of appeal.

(3) If after giving the opportunity to make representations, the Commission does not make a determination to impose a penalty, that person shall not pay the penalty.

7. APPEAL AGAINST PENALTY

(1) A person that is dissatisfied with the determination of the Commission may appeal to the Commission within 15 days of receiving the determination to impose the penalty.

(2) The Commission shall consider the appeal and make a determination thereon within 30 days of the day the appeal was submitted.

8. PAYMENT OF PENALTY

(1) The penalty shall be paid within 30 days of the date of notification of the final determination to impose the penalty or in the event of an appeal 30 days after notice of determination if the appeal is upheld.

9. PAYMENT TO NATIONAL TREASURY

The fines paid under these Regulations shall be lodged in the National Treasury by LERC which, shall have no interest in the revenues so derived.

PART III – VIOLATIONS

10. VIOLATION RELATING TO REGISTERING

A person who engages in a regulated activity without registering with the Commission, contrary to section 5.2 of the Act commits a Class A Violation and is liable to the fines stipulated in the Fines Schedule attached hereto.

11. VIOLATION RELATING TO GRANT OF LICENSE OR PERMIT

(1) A person who installs or operates a facility for the transmission, supply, distribution or sale of electricity without a license or a permit commits a Class D Violation and is liable to the fines stipulated in the Fines Schedule attached hereto.

(2) A service that without authorization:

- (a) exceeds capacity of plant and equipment approved;
- (b) overreaches the geographical;
- (c) transfers a license or permit:

commits a Class B Violation and is liable to the fines stipulated in the Fines Schedule attached hereto.

(3) A service provider that fails to submit a plan required under Regulations Class A - Violation and is liable to the fines stipulated in the Fines Schedule attached hereto.

(4) A service provider that violates a term or condition of its license commits a Class - C Violation and is liable to the fines stipulated in the Fines Schedule attached hereto. (such as failure to submit a report)

12. VIOLATION RELATING TO TARIFFS

(1) A service provider which:

- (a) charges or demands rates not approved by the Commission contrary to Provisions of the tariff regulation;
- (b) charges or demands higher rates than the rate approved by the Commission; and
- (c) fails to submit new or revision of existing tariffs for approval of the Commission; and

commits a Class D Violation and is liable to the fines stipulated in the Fines Schedule attached hereto.

13. VIOLATION RELATING TO CUSTOMER SERVICE

- (1) A service provider which:
- (a) refuses to provide its services contrary to the Customer Service and Quality of Supply Regulation; and
 - (b) fails or refuses to provide a bill to its consumers contrary to the Customer Service and Quality of Supply Regulation commits a Class B -- Violation and is liable to the fines stipulated in the Fines Schedule attached hereto.

14. VIOLATION RELATING TO TECHNICAL STANDARDS AND CODES

- (1) Fails to comply with a required standard of performance in the provision of its services, Class C.

15. VIOLATION RELATING TO HEALTH AND SAFETY
Class B

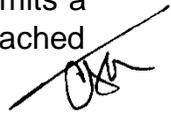
16. VIOLATION RELATING TO ENVIRONMENTAL REQUIREMENTS
Class B

17. MAKING OR FURNISHING FALSE RETURNS

A person who makes a return or provides information to the Commission which, is false commits a Class D Violation and is liable to the fines stipulated in the Fines Schedule attached hereto.

18. OBSTRUCTION AND INTERFERENCE WITH COMMISSION

A person who obstructs or interferes with a member, officer or other employee of the Commission in the exercise of the powers or duties under the 2015 ELL commits a Class D Violation and is liable to the fines stipulated in the Fines Schedule attached hereto.



PART IV - MISCELLANEOUS PROVISIONS

19. VIOLATION BY A CORPORATE BODY

(1) Where a corporate body violates a provision of the ELL or Regulations, Standards or Codes issued under the ELL or contravenes an order of the Commission, every director of that entity or any person concerned with its management shall be deemed liable to a fine of (Class C).

(2) A person shall not be liable for a violation if it is proved that:

(a) that due diligence was exercised to ensure compliance with the regulatory requirement of obligation; and

(b) the violation occurred without the knowledge, consent or connivance of that person.

20. PENALTIES ARE WITHOUT PREJUDICE TO OTHER ACTIONS

A penalty imposed on a person under these Regulations:

(a) is without prejudice to other penalties or actions taken by the Commission or other agency of the Republic of Liberia under the Act, Regulations issued under the Act or other instruments; and

(b) may be applied by the Commission in conjunction with such other actions and measures prescribed in other regulatory instruments.

21. CONSEQUENCIES OF NON-PAYMENT

(1) The Commission may:

(a) impose interest on the penalty sum; and

(b) initiate collection proceedings in a court of competent jurisdiction.

(2) A service provider shall be ineligible to apply for renewals, amendments or present other filings before the Commission.

(3) When deemed appropriate, the Commission may suspend the license, permit or authorization until the penalty is paid in full or cancel or revoke the license, permit or authorization in accordance with the regulations on licenses and permits and the license or permit conditions of the service provider.

22. LIMITATION PERIOD

The Commission shall not serve a notice under regulation 4 more than four years after the later of:

(a) the occurrence of the violation; or

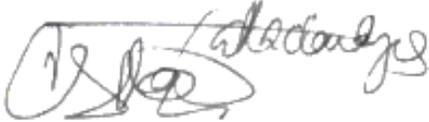
(b) the date evidence of the violation or failure first came to the knowledge of the Commission.

THE COMMON SEAL OF

LIBERIA ELECTRICITY REGULATORY COMMISSION

Was affixed pursuant to the ORDER OF THE COMMISSION

On this 20th day of February 2025.

A handwritten signature in black ink, appearing to read "Claude J. Katta", written over a faint, illegible stamp or seal.

Hon. Claude J. Katta
CHAIRMAN
BOARD OF COMMISSIONERS

SCHEDULE 1: FINES SCHEDULE

Class A Violation		
Relevant provisions	regulation 10	
First violation	USD500.00	
Second Violation	USD1000.00	
Third violation	USD1500.00	
Class B Violation		
Relevant provisions	regulation 11(2); 13;15;16	
Violation	USD200.00 (300)	
Fine for additional day violation persists	USD2.00 (5.00)	
Class C Violation		
Relevant provisions	regulation 14;19	
First violation	USD2500.00	
Second violation	USD3500.00	
Third violation	USD4500.00 (5000)	
Class D violation		
Relevant provisions	regulation 11(1);12;17;18	
First violation	USD5000.00	
Second violation	USD7500.00	
Third violation	USD10,000.00	

OK