

RWANDA UTILITIES REGULATORY AUTHORITY

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GUIDELINES ON CONSUMER COMPLAINTS HANDLING
PROCEDURES

ISSUED BY

REGULATORY BOARD

RWANDA UTILITIES REGULATORY AUTHORITY – (RURA)

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GUIDELINES ON CONSUMER PROTECTION AND COMPLAINT HANDLING PROCEDURES

0. INTRODUCTION

Rwanda Utilities Regulatory Authority (RURA) was established by the Law n° 9/2013 of 01/03/2013 which also determines its mission, powers, organization and functioning.

Within its mandate, RURA is vested with among other powers, putting in place appropriate regulatory framework as well as promoting and protecting consumer's interests.

In the past years, RURA has received and resolved a significant number of complaints from consumers, but modalities for handling them were not appropriately and adequately defined.

We expect that once these guidelines come into force, the Regulatory Authority will improve the customer satisfaction level, recognize required improvements and developments in the business process of regulated activities and take necessary actions accordingly

Fairness will be reserved in resolving each complaint, and updates will be communicated to the complainants throughout the processes via appropriate means of communication.

GENERAL PROVISIONS

I.1. Scope

These guidelines cover phases of; reception, examination, evaluation and conclusion of consumer complaints and consumer protection as well as the priority they have to be accorded in order to resolve them adequately.

All complaints lodged by consumers, whether justifiable or not, are given due consideration and fairly concluded.

I.2 Purpose

These guidelines aim at providing an organized approach of handling consumer complaints that is consistent, systematic, consumer-oriented and sensitive so as to improve consumer satisfaction.

I.3 Definitions

- **“Complainant”** means any person who files a complaint with the Regulatory Authority;

- **“Complaint”** means all kinds of expression of dissatisfaction from the consumer, notified verbally or in writing to the Regulatory Authority for which an open or implied response or solution is expected;
- **“Decision”** means a definitive opinion, conclusion, or determination of the regulatory Authority in a matter;
- **“Utility”** means a specified organization or licensee providing a prescribed utility service pursuant to the relevant legislation, for the purposes of providing goods or services in relation to the provision of the law establishing RURA;
- **“The Regulatory Authority”** means Rwanda Utilities Regulatory Authority as defined by the Law n° 9/2013 of 01/03/2013 establishing the Rwanda Utilities Regulatory Authority as may be amended from time to time;

II SUBMISSION AND RECEPTION OF COMPLAINTS

II.1 Communication tools to lodge a complaint

The Regulatory Authority shall accept complaints from consumers via e-mail, online form (website), post mail and hotline as indicated here below:

- Email: info@rura.rw
- Form available on RURA website (www.rura.rw).
- Post mail (PO Box. 7289 KIGALI).
- Hotline : 3988.
- Physical delivery to RURA

To ensure efficiency and effectiveness, the Regulatory Authority shall avail a Consumer Care Room with a toll free fixed telephone line for receiving inquiries related to consumer complaints.

Without any consideration of the way used to lodge a complaint, complaints submitted to the RURA are recorded and the handling process starts immediately.

II.2 Modalities for submitting complaints

Complaints may be *submitted in oral* or written *formal may be lodged in* the following ways;

- When a complaint is written, it must be duly addressed to the Regulatory Authority;
- When the complainant is unable to make a written submission, the oral complaint will be put in writing by the Regulatory Authority’s officer in charge. The complainant may select another person of his/her choice to write down the complaint.
- Where the complaint is written down by a person other than the complainant, it will be read over and explained to the complainant in a language that he/she understands, and there will be a declaration to that effect.
- The complainant must indicate that he/she understands what has been read over and explained before appending his/her signature or thumb print to the written complaint.

II.3 Receipt of complaints

When a complaint is received, it is recorded and an acknowledgement message is sent to the complainant. For details, additional information may be checked so as to efficiently solve the complaint.

II.4 Identification and content of a complaint

Once the complaint is received, the Regulatory Authority must verify if it has the following content:

- The full name, contact address of the complainant;
- The utility or person against whom the complaint is made;
- Particulars of the nature of the complaint together with copies of any supporting document or in relation to the complaint;
- The nature of the dissatisfaction, or the alleged harm that the complainant has suffered as a result of the action or omission of the person against whom the complaint is made;
- The relief sought by the complainant;
- Any other matter relevant to the complaint;
- In the case the person who lodges a complaint is acting on behalf of another person, company or organization, he/she must state in writing the name and contact address of the company he/she is representing and provide the reasons for the representation.

III COMPLAINT HANDLING

III.1 informing the concerned Utility. The Regulatory Authority informs the Utility providing the service that is subject of the complaint within five Days. The Regulatory Authority outlines issues in the consumer's complaint and requests the concerned Utility to address or respond to them and to provide relevant supporting documentation.

The Utility has five (5) working days to respond to the matter in writing stating its defenses to each claim asserted by the complainant. Such response shall be supported by the necessary evidence.

The Utility may apply to the Regulatory Authority for an extension before the expiration of the initial 5-day period. Such extension shall not be unreasonably denied but shall not exceed 5 working days.

In the event that the Utility is willing to immediately settle the complaint, it shall submit to the Regulatory Authority a statement of the relief it is willing to give with a copy simultaneously to the Complainant. Upon acceptance of this offer by the Complainant, the Utility shall notify the Regulatory Authority and the latter shall make a follow up until the matter is settled.

In the event that the complaint is not settled at the initiative of the Utility. the Regulatory Authority after conducting a preliminary inquiry into the complaint and invites officials from the concerned Utility together with the Complainant for mediation.

III.2 Hearing

If parties fail to reach an agreement, the Regulatory Authority conducts a formal hearing.

The hearing shall be conducted by a panel of at least three officials representing the Regulatory Authority and both parties shall be given sufficient time to state their case.

A person appearing before the panel may be represented by a legal counsel or another expert. In such case, authorization of representation shall be provided to the Regulatory Authority.

A due form indicating time and place of hearing availed by the Regulatory Authority shall be used during hearings.

The hearing is considered pending before the Regulatory Authority when the final decision is not yet given.

At the conclusion of the formal hearing, the panel shall submit a report with recommendations to the Director General of the Regulatory Authority on the outcome of the hearing process.

III.3 Investigation

Where applicable and depending on the nature of the complaint, a site inspection may be carried out by the Regulatory Authority. Such inspection shall aim at obtaining further and better information and particulars.

In the event that an analysis is likely to go beyond fifteen (15) days period, the Regulatory Authority shall inform the Complainant accordingly with justification for the delay and make commitment as to when the analysis is likely to be completed.

III.4 Partial and final settlement

If there is a partial settlement of the complaint, the Regulatory Authority shall advise the complainant accordingly based on the partial settlement.

In the contrary case, the Regulatory Authority may require the utility to provide an explanation as to why the consumer's complaint had not been addressed when it was brought to his attention.

In the event that the Regulatory Authority is of the view that the Utility's actions were appropriate, the consumer and the utility shall be advised accordingly.

In the event that the Regulatory Authority considers the Utility to be at fault, the Utility shall be requested in writing to satisfy or rectify the matter within fourteen (14) working days.

III.5 Bills not subject of the dispute

While a complaint is being investigated by the Regulatory Authority, the Complainant shall be required to settle, discharge or pay all bills that are not the subject matter of the complaint, provided however that the Regulatory Authority is satisfied that the parties are cooperating fully with the investigation to ensure its expeditious conclusion.

III.6 Execution of the Regulatory Authority's decision

In the event that the Regulatory Authority's decision is not acted upon within fourteen (14) working days without the Utility having referred the matter to the relevant court,

relevant sanctions provided by laws and regulations organizing the concerned Utility shall apply.

III.7 Confidentiality of information

All information submitted to the Regulatory Authority during the complaint handling process shall be handled with confidentiality, unless the party marks such information as public.

Where a document is filed with the Regulatory Authority in relation to a proceeding, the Regulatory Authority shall place the document on the confidentiality record unless the party filing the document asserts a claim of a public nature.

III.8 Referral

Any person not satisfied with the decision of the Regulatory Authority may refer the case to a competent court. The Regulatory Authority's decision shall remain effective pending a final judicial decision.

IV. TRANSITIONAL AND FINAL PROVISIONS

IV.1 Repealing provision

All prior provisions contrary to these guidelines are hereby repealed.

IV.2 Coming into Force

These guidelines shall come into force on the date of signature by the Chairperson of the Regulatory Board.

Eng. Coletha U. RUHAMYA
Chairperson of the Regulatory Board