

**KINGDOM OF CAMBODIA  
NATION RELIGION KING**

**ELECTRICITY AUTHORITY OF CAMBODIA**

**PROCEDURE FOR FILING COMPLAINT TO EAC  
AND FOR RESOLUTION OF EAC**

**UNDER ELECTRICITY LAW OF THE KINGDOM OF CAMBODIA**

Approved by EAC's session No. 36 dated April 2, 2004

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# **Procedures for Filing Complaint to EAC and for Resolution of Complaint by EAC**

## **A. Provisions in the Electricity Law of the Kingdom of Cambodia**

1. Under Electricity Law of the Kingdom of Cambodia, the duties of Electricity Authority of Cambodia (EAC) include evaluation and resolution of consumer complaints and contract disputes involving licensees to the extent the complaints and contract disputes relate to violation of the conditions of license.
2. The Electricity Law provides that any licensee or consumer, who is party to a dispute regarding the provision of electric power services, under an EAC approved tariff or under a contract, may refer the dispute to EAC for resolution; provided that the related License requires such dispute to be referred to EAC.
3. Any interested person may file to EAC a written complaint against a licensee alleging a violation of any provision of the Electricity Law. EAC shall investigate this complaint and determine whether there may have been a breach of the Electricity Law.
4. The Electricity Law also provides that EAC may investigate any facts, natures, actions or matters which it may find necessary or proper to determine whether any person has violated or is about to violate any provision of the Electricity Law or any Sub-Decree, regulation, order, or judgment of EAC.

## **B. Phases in the resolution of complaints by EAC**

5. The procedure of resolution of a complaint filed with EAC may have the following phases:
  - a. Filing of complaint and notice to Defendant
  - b. Reconciliation, if decided
  - c. Investigation
  - d. Session of EAC and judgment
  - e. Forwarding the case to appropriate court in case an appeal is made

## **C. Procedure for filing of Complaint and Notice to Defendant**

### **C.1-Subjects on which Complaint can be lodged to EAC**

6. Complaints by a consumer about voltage, interruption in supply, meter, meter reading, bills, disconnection, reconnection or delay in giving new connection shall be first made to the supplier as per the procedure given in the General Conditions of Supply approved by EAC. If the consumer is not satisfied with the final response of the Supplier or if the consumer feels that the Supplier has delayed in addressing the consumer's grievance beyond the time specified in the Regulations on Overall Performance Standards, approved by EAC, the consumer can make a complaint to EAC giving copies of all complaints made to the Supplier, action taken by the supplier and other details.
7. The supplier has obligation to give power supply to consumers in its authorized area of supply and can refuse to give power supply to a consumer only under certain conditions stated in the General Conditions of Supply. If the Supplier refuses to serve an applicant, he/she must inform the applicant the reason of its refusal. If the applicant is dissatisfied with the decision of the supplier, he/she may file a complaint with the EAC, giving copies of the decision of the supplier, other correspondence related to this complaint and the reason of considering the decision of the supplier incorrect.
8. For giving a new connection to a Medium Consumer, if extension/ up gradation of network is required, the supplier intimates the participation amount in network extension/ up gradation cost to be paid by the consumer. If any difference or dispute arises as to the participation amount, the consumer can file a complaint to EAC for resolution of the dispute, giving copies of the letters in the matter and the reason of disputing the amount.
9. The General Conditions of Supply provide that if the supplier finds out that any person is taking supply unauthorizedly or dishonestly, the supplier shall issue bill for the electricity used unauthorizedly. If the consumer disputes the bill, he may file a complaint with the EAC giving full reasons of disputing the bill.
10. Apart from raising the bill as stated above, the supplier may also file a complaint to EAC for imposing monetary penalty on the consumer under Article 68 of the Electricity Law of the Kingdom of Cambodia, giving full justification for the same.

11. Any interested person may file to EAC a complaint against a licensee alleging a violation of any provision of (i) the Electricity Law of the Kingdom of Cambodia, Rules and Regulations issued under the Electricity Law (ii) the license issued by EAC or (iii) regulations made by EAC. The person in its complaint should clearly state the provisions of the Law, Rules or Regulation which have been violated.
12. When a reference is made to EAC by the Ministry of Industry, Mines and Energy or the Local Authority about violations by a licensee, or when EAC decides to start proceedings against a licensee or consumer for violations that came to its notice from information derived from any other source, EAC shall designate an officer of EAC not below the rank of Office Manager to act as Complainant.
13. Complaints relating to Contract disputes can be filed by a party to the dispute provided the related license requires such dispute to be referred to EAC. The party in its complaint shall state the provisions of the license which require the dispute to be referred to EAC and details of the dispute.

### **C.2-Procedure for filing the Complaint to EAC**

14. The complaints on quality of electricity supply service like those listed at Clauses 6 to 9 above can be filed with EAC by the affected consumer only.
15. The complaint for imposing monetary penalty for unauthorized use of electricity under Article 68 of the Electricity Law of the Kingdom of Cambodia can be filed with EAC by the affected Supplier only.
16. The complaint relating to contract dispute can be filed with EAC by the party/ parties to the contract only.
17. The complaint on violation of Law, Rules and Regulations can be filed by any interested person.
18. The complaint on behalf of a legal person can be filed by a person duly authorized for the purpose.
19. The person filing the complaint should be adult and shall not be of unsound mental health.
20. The complaint to the EAC shall be filed in writing. All attachments, if any, should be indicated. Apart from the details stated in Clause C.1 above, the complaint should also contain the following information:
  - a. Information about the complainant – Family name, Given name, Age, Business or Occupation, Nationality, Sex, telephone number, Present address and consumer number, if any. If the complaint is on behalf of a legal person, the name and address of the legal person and the name and position held by the complainant.
  - b. Information about the defendant – Name, Present address.
  - c. Details of the complaint. The subject matter of the complaint should be specific, clear and definite – not vague or general in nature.
  - d. If known, specific references to any law, license condition, Regulation, Code, or Standard in support of the complaint.
  - e. The prayer of the complainant with justification explaining why the prayer should be conceded.
  - f. Copies of the documents the complainant thinks are required for resolving the dispute/ complaint.
  - g. The complaint shall be with the signature or thumb print of the complainant at the bottom.
21. The complaint should be sent to the office of EAC by post or courier or delivered in person.

### **C.3- Procedure for acceptance of complaint and notice to Defendant**

22. On receipt of the complaint at EAC office, it shall be recorded in the Complaint Register and a number shall be allotted.
23. Complaints not conforming to the provisions of clauses 14 to 20 are liable to be not accepted. The Chairman, EAC shall make a preliminary examination and decide if the complaint is eligible to be accepted for consideration. Within 15 days of receipt of the complaint, the complainant shall be intimated by EAC if the complaint has been accepted or not and if not accepted, the reasons for the same.
24. If the complaint is accepted for consideration, EAC shall send the copy of the complaint to the defendant to give his parawise reply within a period specified by EAC. If no reply is received within the specified period, it will be deemed that the Defendant has no comments to offer and a decision on the complaint shall be taken by the EAC as deemed fit and proper unless the time for receiving the reply is extended in writing by the EAC.

#### **D. Reconciliation**

25. The first stage of processing the complaint can be the process of Reconciliation. Cases of violation of Laws, Rules and Regulation shall not require reconciliation. Chairman EAC shall decide if reconciliation shall be taken up or not. If the chairman EAC decides that reconciliation shall be taken up, he shall appoint a Reconciliation Officer and officers to assist the Reconciliation Officer to take up the reconciliation. The Member of EAC or an officer not below the rank of Director can be appointed as a Reconciliation Officer.
26. The Reconciliation Officer shall send intimations to the Complainant and Defendant to attend the Reconciliation; intimating the time, date and place for reconciliation. The intimation shall be sent by registered letter or delivered in person and receipt acknowledged. In case any party to the dispute refuses to receive the intimation to attend the reconciliation session from EAC's messenger, EAC's messenger shall take that notice to the local authority to certify the refusal.
27. The complainant and defendant may get a lawyer to represent him/her in the reconciliation session. For this a written authorization shall be given to EAC.
28. If the complainant is unable to attend the reconciliation on the date fixed, he shall intimate EAC, before the date of the reconciliation, the reason for the same and seek another date for the session. If after receipt of the intimation to attend the session, the complainant fails to attend the session of EAC and fails to submit an application seeking another date for the session; it will be deemed that the complainant has dropped the complaint and the complaint shall be cleared from the complaint register.
29. If the defendant fails to attend the session of EAC and fails to submit an application seeking another date for the session; EAC will consider him /her to be unwilling to reconcile and that the reconciliation has failed.
30. In case any party is unwilling to reconcile he/she may confirm in writing to office of EAC.
31. During the session, the Reconciliation Officer shall intimate both the parties the general position of the Law, Rules, Regulation and Procedure relating to the complaint and the time it may take to investigate and resolve the complaint if reconciliation fails. The reconciliation must be based on free consent of the parties and not on the will of the Reconciliation Officer.
32. If the parties come to terms at the reconciliation, the minutes shall include a promise by both parties to abide by the terms of the reconciliation. EAC shall issue a decision based on the terms agreed by the parties. If the reconciliation fails, it shall be recorded in the case file .

#### **E. Investigation**

33. In cases where reconciliation was not taken up or reconciliation failed, Investigation shall be taken up by EAC. The Chairman, EAC shall appoint one of the officers of EAC not below the rank of Office Manager as the investigating officer who may be assisted by other officers of EAC. If considered necessary experts or consultants may be asked to assist in the investigation. The parties and witnesses, if any, may be asked to appear before the Investigating Officer on the appointed date to record their statements. If required, the investigating team may also make field visit to find out the facts in the case. The complainant and the defendant shall cooperate with the investigation and furnish the required information and records. The investigating officer shall record the questions and answers between him and each of the appearing parties. The investigating officer may ask for additional information or records from the complainant and defendant which shall be furnished within the time allowed.
34. The investigating officer shall compile a complete report and submit to the Chairman EAC for approval. If the report is approved as complete by the Chairman EAC, the case will be taken up for hearing in the session of EAC.

#### **F. Procedure for session of EAC to resolve the Complaint**

35. EAC will fix the date of the session for hearing the dispute and send notices in writing (summons) at least 15 days in advance to the complainant and defendant to attend the session for hearing in the case. The notice shall be sent by registered letter or delivered in person and receipt acknowledged. In case of any party to the dispute refuses to receive the notice to attend the reconciliation session from EAC's messenger, EAC's messenger shall take that notice to the local authority to certify the refusal.

36. If the complainant or defendant is not able to attend the session, he shall intimate EAC in writing at least 3 days before the date of the session, the reason for the same and seek another date for the session. The parties to the dispute have right to seek another date for the session of EAC to resolve the Complaint only once. If after receipt of the intimation, the complainant or defendant fails to attend the session of EAC; the session shall be held in absentia and EAC can render the judgment in absentia.
37. The sessions of the Electricity Authority of Cambodia for hearing of any complaint shall be public.
38. The complainant and defendant may get a lawyer to represent him/her in the session of EAC to resolve the complaint. For this a written authorization shall be given to EAC.
39. In the session, EAC shall hear the Complainant, Defendant and others attending the session, examine the evidence and ask questions to find out the facts of the case. All statements and facts provided by various parties shall be recorded properly and signed by the Chairman of the session. After the hearing is over, the members of the EAC shall enter the deliberation room to deliberate. The judgment, based on the majority vote shall be signed by all members of EAC present in the session. The judgment with its reasons shall be published as soon as the judgment is made unless the EAC has reasonable cause and decide to delay the publication. If the publication is not to be delayed, the Chairman of the session shall read out (pronounce) the judgment in the session. The Chairman of the session shall also announce the right to appeal for a party not satisfied with the judgment.
40. Copy of the judgment shall be given to the interested parties free of charge. A copy of the judgment shall be sent to the Royal Government.

#### **G. Preservation of records and documents**

41. EAC shall keep a record of all proceedings, orders, findings, and judgments, and shall preserve all records and documents.
42. All orders, findings, judgments, records and other documents, except those determined by EAC to be confidential, shall be open to public examination in the office of the EAC.

#### **H. Appeals**

43. The complainant or defendant, not satisfied with the judgment of EAC, have the right of appeal to the courts of Cambodia within 3 months from the date of the judgment.  
The appeal should be made in writing formally expressing the willingness to appeal and delivered to the office of EAC. The details of the appeal shall be entered in a register. The brief on appeal, the judgment and the documents of the case shall be forwarded to the clerk's office of the appropriate Court not later than 2 months after receipt of the appeal.

## Definitions

In this Procedure, unless the context otherwise requires, the following terms shall have the following meanings:

**EAC :**

Means Electricity Authority of Cambodia established by the Electricity Law promulgated by Royal Decree No. CHS/RKT/0201/03, dated February 2, 2001.

**Supplier :**

Means a licensee authorized to supply electricity by a distribution or retail license issued by EAC.

**Small Consumer :**

Means a consumer supplied power at single phase and low voltage.

**Medium Consumer :**

Means a consumer supplied power at three phases and low voltage.

**Big Consumer :**

Means a consumer supplied power at medium voltage.

**Bulk Consumer :**

Means a consumer supplied power at high voltage.

**General Conditions of Supply :**

Means the 'Regulations on General Conditions of Supply of Electricity in the Kingdom of Cambodia issued by EAC as applicable to the licensee.