



# TRANSMISSION COMPANY OF NIGERIA (TCN) INDEPENDENT SYSTEM OPERATOR

## Notice of Lifting Suspension Order (Order: TCN/ISO/MO/2019/007) & Notice of Lifting Disconnection Order (Order: TCN/ISO/MO/2019/008)

Issued against Port-Harcourt Electricity Distribution Company

Before the Market Operator, Independent System Operator, Transmission Company of Nigeria.  
In the matter of non-compliance with the Market Rules and Market Participation Agreements.

### WHEREAS:

1. Port-Harcourt Electricity Distribution Company (PHEDC) was suspended from the Market Operator Administered Market due to an **EVENT OF DEFAULT**. PHEDC was notified of this EVENT OF DEFAULT by a **NOTICE OF EVENT OF DEFAULT** (NED/2019/004) dated July 9<sup>th</sup>, 2019.
2. In line with Section 45.3.7 of the Market Rules PHEDC was issued a **"Notice of Intent to Issue Suspension Order (NIISO/2019/004)"** dated July 15<sup>th</sup>, 2019 indicating the intention of the Market Operator to suspend PHEDC from the Market Operator Administered Market and restrict some of its rights in the Market Operator Administered Market. PHEDC was also reminded of its right pursuant to Section 45.3.8 to request a hearing before the Market Operator to show cause why the Market Operator should not issue a Suspension Order or Disconnection Order against it.
3. PHEDC responded to the **"Notice of Intent to Issue Suspension Order (NIISO/2019/004)"** dated July 15<sup>th</sup>, 2019 within the 5 days or 2 Business Days stipulated by the Market Rules and requested for a hearing before the Market Operator to show cause why the Suspension Order, the Disconnection Order, or both, as the case may be, should not be issued.
4. The Market Operator constituted a three member panel of Market Operator Institution staff, the Market Operator Enforcement Panel (MOEP), to adjudicate at the hearing requested by PHEDC.
5. The hearing was conducted on July 25<sup>th</sup>, 2019 where a team of Market Operator Compliance Officers argued before the MOEP for the suspension of PHEDC based on PHEDC being in default of Market Rules 45.3.1 (d) and not remedying it within the stipulated time.
6. PHEDC also argued before the MOEP stating the cause why it should not be issued a Suspension Order.
7. The MOEP reviewed the submissions of both Market Operator Compliance Officers and PHEDC and thereafter recommended the suspension of PHEDC from Market Operator Administered Market.
8. Based on Market Rules 45.3.9, 45.3.12 and 45.3.13, the Market Operator suspended PHEDC from Market Operator Administered Markets.
9. PHEDC has now forwarded a Bank Guarantee, issued on its behalf by Eco Bank Nigeria Limited, to the Market Operator. The Bank Guarantee dated August 16<sup>th</sup>.
10. The Market Operator deems the Bank Guarantee adequate.
11. Market Rules 45.3.11 states that:  
"The Market Operator shall lift a Suspension Order issued pursuant to Rule 45.3, if the Event of Default in respect of which it was issued is remedied and there are no other subsisting Events of Default with respect to the Suspended Participant, provided that the Market Operator may, upon lifting the Suspension Order, impose such conditions on the authorization of the Participant to participate in the Market Operator Administered Market as it deems appropriate including, but not limited to:  
**(a) establishing a lower trading limit in respect of the Participant than would otherwise be applicable to the Participant under these Rules;**  
**(b) establishing a more frequent continuing schedule of payments than would otherwise be applicable to the Participant under these Rules; or**  
**(c) imposing more stringent Prudential Requirements than would otherwise be applicable to the Participant under Rule 15.3."**
12. Based on Market Rules 45.3.11 and 45.3.15 the Market Operator hereby notifies the Transmission Service Provider, System Operator, other Participants and the General Public that:  
**(a) The Market Operator Order TCN/ISO/MO/007 suspending Port-Harcourt Electricity Distribution Company from the Market Operator Administered Markets is hereby lifted.**  
**(b) The Market Operator Order TCN/ISO/MO/008 disconnecting some facilities in Port-Harcourt Electricity Distribution Company from the transmission grid is hereby lifted.**
13. In line with Market Rules 45.3.15, the Market Operator hereby notifies the Transmission Service Provider to connect back the following facilities to the Grid:

### Facilities to be connected back

Transmission Station	33kV Feeders
Port-Harcourt Town	Secretariat
Port-Harcourt Town	Borokiri

BY NOTICE OF THE MARKET OPERATOR  
DATED THIS 19<sup>th</sup> DAY OF August 2019

Engr. E.A. EJE  
MARKET OPERATOR