

**CODE OF CONDUCT FOR THE
ELECTRICITY RESELLERS ASSOCIATION OF SOUTH AFRICA
(ERASA)**



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1. DEFINITIONS

- 1.1. **“Days”** means business days and excludes weekends and public holidays.
- 1.2. **“Consumer”** means a person or legal **entity** that has entered into an electricity supply agreement with a member or legally consumes electricity supplied by a member.
- 1.3. **“Complaints Handling Process”** means the **process** as set out in paragraph 10 of this document as well as Annexure A and B. Any reference to a complaint in this code as well as Annexure A and Annexure B is simultaneously also a reference to a query.
- 1.4. **“ERASA”** means the Electricity Resellers **Association** of South Africa;
- 1.5. **“LSA”** means the Local Supply **Authority**;
- 1.6. **“Member”** means a member who is **registered** and whose membership fees have been paid up to date with ERASA;
- 1.7. **“NERSA”** means the National Energy **Regulator** of South Africa.

2. INTRODUCTION

- 2.1. ERASA is committed to employing lawful and ethical trading practices in connection with the reselling of electricity and related activities.
- 2.2. Consistent with this commitment, members shall comply with this code of conduct with respect to buying, selling, metering and distribution of electricity.
- 2.3. Nothing in or done under the authority of this code affects the obligation of a member and its employees to comply with the applicable legislation, regulations, by-laws, NRS codes of practices, etc. relating to the electricity distribution and or metering industry, including but not limited to:
 - 2.3.1. NRS 057:2005;
 - 2.3.2. NRS 047-1:2002;
 - 2.3.3. NRS 071:2013;
 - 2.3.4. The Constitution of the Republic of South Africa, 1996;
 - 2.3.5. The Consumer Protection Act, No 68 of 2008;
 - 2.3.6. The Electricity Act, No 41 of 1978;

2.3.7. The Municipal Systems Act, No 32 of 2000;

2.3.8. Local Authorities' by-laws, rules and regulations.

3. PURPOSE

3.1. The purpose of this code of conduct is to, inter alia:

3.1.1. give effect to the objects and powers of ERASA as per its constitution;

3.1.2. regulate the conduct of its members;

3.1.3. set out the minimum standards under which members may resell, meter and/or distribute electricity; and

3.1.4. provide protection to consumers purchasing electricity from ERASA members.

3.1.5. establish a complaints and enquiry handling process.

4. APPLICATION AND COMMENCEMENT DATE

4.1. The code applies to all members. Members are responsible to take all reasonable steps to ensure that parties contracted by them comply with the standards set out in this code of conduct.

4.2. The code shall come into operation on a date to be decided by the board of ERASA and applies to all members.

5. EXEMPTIONS

5.1. ERASA may exempt a member's non-compliance with this code, subject to such conditions or restrictions as ERASA may determine.

6. REVISION

6.1. This code shall be reviewed from time to time by a committee comprised of members of ERASA to ensure its continued effectiveness and that it meets the changing needs of both the industry and relevant legislation.

7. COMPLAINT STANDARDS

7.1. It is compulsory for all members to comply with:

7.1.1. The Guidelines on Electricity Resale as published by the National Energy Regulator of South Africa (NERSA).

7.1.2. Policy Position 43 of the Electricity Pricing Policy, GN 1398 of 19 December 2008 (the EPP).

7.1.3. NRS 047-1:2002;

7.1.4. NRS 057: 2009;

7.1.5. NRS 071:2013;

7.1.6. Eskom's NMD Rules;

7.1.7. The Consumer Protection Act 68 of 2008 and any Provincial Ordinances relating to Consumer Protection; and

7.1.8. All other applicable legislation, associated regulations and by-laws.

8. CONDUCT

8.1. Members shall respond and comply with and to any meeting/reselling related query either given to the member by ERASA, or directly from ESKOM, NERSA, any LSA or a consumer;

8.2. Members must at all times when dealing with consumers:

8.2.1. act honestly, equitably and transparently;

8.2.2. discharge duties and obligations timeously and with integrity;

8.2.3. respond to any and all consumer queries relating to the reselling of electricity.

9. OBLIGATIONS OF MEMBERS REGARDING COMPLAINTS AND QUERIES

9.1. Members are required to:

9.1.1. comply with the code and implement procedures that ensures compliance with the code;

- 9.1.2. implement an internal complaints handling process. A guideline is attached hereto as Annexure A and a suggested format of a complaint form is attached as Annexure B.
- 9.1.3. display prominently at all trading premises and on their website (where possible) a notice that states that they are bound by this code and provide details of how consumers may lodge complaints and queries.
- 9.1.4. provide consumers with the contact details of their internal complaints handling department and of ERASA;
- 9.1.5. ensure that a copy of this code is made available to any interested party upon request;
- 9.1.6. endeavour to resolve complaints and disputes in accordance with the law, the spirit and provision of this code in an impartial and timely manner;
- 9.1.7. take all reasonable steps to ensure that parties contracted by them comply with the standards set out in the code.

10. COMPLAINTS

10.1. First point of recourse - Lodging a complaint with a member

- 10.1.1. A consumer who is dissatisfied with a service that he or she received from a member must first refer the matter in dispute to the member, in accordance with the member's internal complaints handling process.
- 10.1.2. Members are to respond within 21 days, provided that they have all the information required.
- 10.1.3. Should further information be required, the member is to agree with the consumer on a reasonable time period not exceeding 30 days thereafter.
- 10.1.4. The consumer is to be informed of the progress at least every 14 days.
- 10.1.5. Once the member has determined the outcome of the lodged dispute, the member is to respond to the consumer in writing which includes the reasons for the outcome and the contact details of ERASA should the consumer not be satisfied with the outcome.

10.2. Alternative recourse – Instituting actions against a Member

10.2.1. Should the consumer not be satisfied with the outcome of the member’s internal complaints handling process, the consumer should:

10.2.1.1. lay a complaint with an LSA and/or NERSA; or

10.2.1.2. where an agreement between the consumer and member allows, proceed to institute alternative dispute resolution proceedings; or

10.2.1.3. institute legal proceedings in a court of law.

10.3. Referral to ERASA for breach of code

10.3.1. Only once a binding decision has been made by a body held under paragraph 10 above, may a consumer refer such decision to ERASA, who will either suspend the member or deregister the member, should the decision reveal a breach of this code.

10.3.2. Procedure to follow once decision is lodged with ERASA:

10.3.2.1. The decision must be submitted within 60 calendar days in which the decision was passed with Messrs VdW & Co Association Management Services (an authorised agent of ERASA), being the Secretariat service partner of ERASA. Any reference to ERASA in connection with any aspect of complaint herein shall be regarded as simultaneously referring to ERASA’s authorised agent VdW & Co).

10.3.2.2. The decision must be directed in writing to VdW & Co Association Management Services, via either the following:

10.3.2.3. Email: erasaservices@vdw.co.za

10.3.2.4. By Hand: 4 Karen Street (off Peter Place), Bryanston West, Johannesburg.

10.3.2.5. ERASA is to acknowledge the consumer with written receipt of each decision will within two days.

10.3.2.6. ERASA shall provide the consumer with its decision to the lodged decision within 90 business days of receipt.

Annexure A

Guidance on the process of internal complaints handling and queries

Any reference to the word: “complaint” or “complaints” also refers to a query or queries.

- 1) **Provision of information:** When dealing with complaints or queries, the member should make readily available to consumers, complainants and other interested parties, information concerning the complaints-handling process. Such information should be provided in plain language and, so far as is reasonable, in formats accessible to all, so that no complainant is disadvantaged. The following are examples of such information:
 - a) Where complaints can be made;
 - b) How complaints can be made;
 - c) Information to be provided by the complainant (see Annexure B for suggested format);
 - d) The process for handling complaints;
 - e) Time periods associated with various stages in the process;
 - f) The complainant's options for remedy, including referral to the local municipality or NERSA;
 - g) How the complainant can obtain feedback on the status of the complaint.

- 2) **Receipt of complaint:** Upon reporting of the initial complaint, the complaint should be recorded with supporting information and a reference number. The record of the initial complaint should identify the remedy sought by the complainant and any other information necessary for the effective handling of the complaint including the following:
 - a) A description of the complaint and relevant supporting data (names of consumer, member who was dealt with, etc);
 - b) The requested remedy;
 - c) The products or related organisation’s practice(s) complained about;
 - d) The due date for a response;
 - e) Immediate action taken (if any).

- 3) **Initial assessment of complaint:** After receipt, each complaint should be initially assessed in terms of criteria such as severity, safety implication, complexity, impact, and the need and possibility of immediate action. In line with NRS 047, ideally 90% of general complaints received telephonically or in person should be handled on a one stop basis without referral.
- 4) **Acknowledgement of complaint:** Written receipt of each complaint should be acknowledged to the complainant within two business days.
- 5) **Attempt to Resolve:** The member should contact the complainant to clarify any issue, to ascertain the essence of the complaint and to attempt to settle the complaint to the reasonable satisfaction of the complainant;
- 6) **Time limits for Complaint resolution:** The member should make every effort to resolve the matter within 15 business days. If the member is unable to resolve the complaint within that period for reasons such as ongoing technical testing, the member shall inform the complainant of that fact as soon as reasonably possible and provide an estimated time for resolution of the complaint.
- 7) **Complaint resolution:** The member should make every effort to resolve the matter in good faith and in accordance with the member's internal complaints-handling process. In doing so, the member should take into account urgency such as loss of supply of electricity. The complainant and his/her complaint should be dealt with:
 - a) politely and courteously;
 - b) promptly and efficiently; and
 - c) in a confidential manner.
- 8) **Tracking of complaint:** The complaint should be tracked from initial receipt through the entire process. The consumer must be kept informed at regular intervals.
- 9) **Investigation of complaints:** Every reasonable effort should be made to investigate all the relevant circumstances and information surrounding a complaint. The level of investigation should be commensurate with the seriousness, frequency of occurrence and severity of the complaint.
- 10) **Response to complaints:** Following an appropriate investigation, the member should offer a solution and/or make a decision relating to the dispute, for example correct the problem and prevent it from happening in the future.

- 11) **Communicating the decision:** The decision or any action taken regarding the complaint, which is relevant to the complainant or to the personnel involved, should be communicated to them in writing as soon as the decision or action is taken.

- 12) **Closing the complaint:**
 - a) If the complainant accepts the proposed decision or action, then the decision or action should be carried out and recorded.

 - b) If the complainant rejects the proposed decision or action, and the member repudiates further measures, this should be recorded and the complainant should be informed of his/her right to refer the complaint to an alternative regulatory body, such as NERSA.

ANNEXURE B - SUGGESTED FORMAT: COMPLAINT FORM

1. DETAILS OF COMPLAINANT/QUERY	
Name/Organisation:	
Address:	
Postal code, town	
Phone nr:	
Cell phone nr:	
Fax:	
E-mail:	
Date:	
Digital Signature:	
2. PRODUCT / SERVICE DESCRIPTION	
Reference number of Product / Service / Order (if known)	
Description of Product / Service:	
3. PROBLEM ENCOUNTERED	
Date of occurrence	
Details of complaint	
4. REMEDY REQUESTED	
Details of remedy requested	
5. DOCUMENTS ATTACHED	
List of documents attached:	

6. FOR OFFICIAL USE

How was complaint dealt with	
Was complainant satisfied:	YES NO
Date finalized:	
Finalized by:	
Digital Signature:	