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National Electric Power Regulatory Authority
Islamic Republic of Pakistan

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No. NEPRA/DG(M&E)/LAD-10/ 10418

July 05, 2024

Chief Executive Officer,
Tribal Areas Electricity Supply Company Limited (TESCO),
Room No. 213, 1st Floor, WAPDA House,
Shami Road, Sakhi Chashma,
Peshawar

Subject: **ORDER OF THE AUTHORITY IN THE MATTER OF SHOW CAUSE NOTICE
ISSUED TO TESCO ON ACCOUNT OF FATAL ACCIDENTS OCCURRED
DURING FY 2022-23**

Please find enclosed herewith, Order of the Authority (total 07 pages) in the subject matter for information and compliance.

Enclosure: **Order of the Authority**

(Engr. Mazhar Iqbal Ranjha)



National Electric Power Regulatory Authority

ORDER

IN THE MATTER OF SHOW CAUSE NOTICE ISSUED TO TESCO ON ACCOUNT OF FATAL ACCIDENTS OCCURRED DURING FY 2022-23

1. Tribal Areas Electric Power Company Limited (TESCO) (the "Licensee") was granted a Distribution License (No. 22/DL/2013 dated 12.08.2013) by the National Electric Power Regulatory Authority (the "Authority") for providing Distribution Services in its Service Territory as stipulated in its Distribution License, pursuant to section 21 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 ("NEPRA Act").

Background:

2. As per Rule 7 of NEPRA Performance Standards (Distribution) Rules, 2005 (PSDR-2005), all Distribution Companies (DISCOs) are bound to submit an Annual Performance Report to the Authority every year. Further, Form 9 of PSDR 2005 states that DISCOs shall report each and every individual incident on an immediate basis. Accordingly, the DISCOs submitted the data/information to NEPRA regarding electrical incidents resulting in death/permanent disability/serious injury to members of staff or the general public that occurred in FY 2022-23.
3. During the review of data submitted by the Licensee for FY 2022-23, it was revealed that one (01) fatality of a public person occurred within the service territory of the Licensee. This figure illustrates a concerning picture regarding efforts taken by the Licensee to inculcate a safety culture in its service territory.

Summary of Inquiry Reports:

4. It is relevant to mention that after getting information pertaining to each individual case, NEPRA carried out a thorough evaluation of all relevant records including the internal inquiry reports submitted by the Licensee itself against the one (01) fatality that occurred during FY 2022-23. The summary of the same is as under:

Sr. No.	Name of Victim(s)	Date of Incident	Category	Incident Description	Responsibility / Reasons
1	Mr. Bilal Afridi	23.03.2023	General Public	Mr. Bilal Afridi resident of Bara Ex-Khyber Agency met with fatal accident while illegally working on 11 kV Old Nala Feeder emanating from 132 KV GSS Bara.	-

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5. Moreover, according to Rule 4(g) of PSDR-2005, the Licensee should establish and enforce appropriate rules, regulations, and operational procedures as outlined in its Distribution Code or relevant documents to ensure the safety of both its employees and the general public, however, it has failed to do so.

Show Cause Notice:

6. The Authority took notice of the aforementioned fatal accident and decided to initiate legal proceedings against the Licensee under NEPRA Fine Regulations, 2021. Accordingly, NEPRA vide its letter dated August 30, 2023, served a Show Cause Notice (SCN) to the Licensee on account of one (01) fatality of a public person that occurred during FY 2022-23 for violating Performance Standards, Distribution Code, Power Safety Code, and other applicable documents. The salient points of the said SCN are as follows;

2. *WHEREAS, pursuant to section 21(2)(f) of the NEPRA Act, the Licensee is required to follow the performance standards laid down by the Authority for the distribution and transmission of electric power, including safety; and*

3. *WHEREAS, pursuant to Rule 4(g), of Performance Standards (Distribution) Rules, 2005, and clause SR 4 of Distribution Code, 2005:*

i. *All distribution facilities of a distribution company shall be constructed, operated, controlled and maintained in a manner consistent with the Distribution Code, Power Safety Code, Consumer Service Manual, and other applicable documents.*

ii. *A distribution company shall ensure that its distribution facilities do not cause any leakage of electrical current or step potential beyond a level that can cause harm to human life, as laid down in the relevant IEEE/IEC Standards; prevent accessibility of live conductors or equipment; and prevent development of a situation due to breakdown of equipment which results in voltage or leakage current that can cause harm to human life, property and general public including without limitation, employees and property of the distribution company.*

iii. *A distribution company shall implement suitable, necessary, and appropriate rules, regulations and working practices, as outlined in its Distribution Code or applicable documents, to ensure the safety of its staff and members of the public. This shall also include suitable training for familiarity and understanding of the rules, regulations, practices, and training to use any special equipment that may be required for such purposes including without limitation basic first aid training.*

4. *WHEREAS, pursuant to Clauses PSC-1, PSC-2, & PSC-6.3 of Power Safety Code:*

PSC-1 Purpose:

The purpose of this safety code is to ensure that the licensee's networks are planned, developed, operated, and maintained in an efficient &



safe way without compromising on safety of any kind related to the systems, personnel & others.

PSC-2 General Instructions of Power Safety:

The licensee shall abide by the safety requirements as set out in Power Safety Code, Distribution Code, Power Safety Manual, Performance Standards (Distribution) Rules 2005, Grid Code & other applicable documents.

The licensee shall promote a healthy & safe culture and provide all employees, contractors, and the people concerned and the public with a safe & healthy place to work. The Licensee shall ensure that safe working is integrated into every aspect and area of business. Moreover, safety culture shall be based on personal leadership, collaboration, and involvement.

The licensee shall adhere to the highest standards in all work practices so as to ensure protection of employees and any other affected by what licensee do. Each licensee shall ensure in day to day work that facilities/support programmers are provided to safeguard the health, welfare & well-being of their staff.

PSC-6.3 General Provisions of Safety:

The general provisions of safety shall be provided by each licensee covering the following:-

- *The provisions for workers/operators to object to doing work on safety grounds*
- *The use & wearing of safety equipment & protective clothing*
- *Physical fitness & personal conduct of the worker before and during on job*
- *Arrangement and procedure of job briefing before the work is started*
- *Requirements to safe guard the public and property when work in progress*
- *Requirements for housekeeping in a safe working conditions*
- *Arrangements and requirements of fire protection*
- *Requirements, arrangements and use of proper tools and plants for the proper and safe storage lifting and carrying of different types of material*
- *Procedure and reporting requirements of patrolling of lines*
- *Procedure for tree trimming*
- *List of common protective devices and equipment used for the safety purposes.*

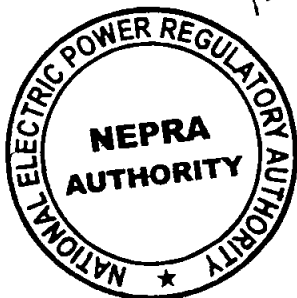
5. **WHEREAS**, according to Performance Standards (Distribution) Rules, 2005, the Licensee is obligated to submit the details of fatal accidents for employees as well as the general public that occurred in its service territory. Accordingly, in FY 2022-23, the Licensee has reported a total number of eleven (11) fatalities (8 Employees & 3 Public Persons); and



6. *WHEREAS, according to Performance Standards (Distribution) Rules, 2005, the Licensee is obligated to submit the details of fatal accidents for employees as well as the general public that occurred in its service territory. Accordingly, in FY 2022-23, the Licensee has reported one (01) fatality of a public person; and*
7. *WHEREAS, the Authority has taken serious notice of such casualties and is of the view that the Licensee has failed to operate and maintain its distribution facilities in a safe and reliable manner. Hence, it can be said that the Licensee has, prima facie, violated Section 21(2)(f) of the NEPRA Act, Article 11 of the Distribution License read with Rule 4(g) of the NEPRA Performance Standards (Distribution) Rules, Clause 4 of Safety Requirements, Clauses PSC-1, PSC-2, & PSC-6.3 of Power Safety Code and other applicable documents; and*
7. The Licensee submitted its response vide its letter dated September 14, 2023, against the SCN served. The summarized points of the Licensee's response are narrated below:
1. "TESCO is following the performance standards laid down by the Authority for the Distribution and transmission of electric power including safety specifically the Power Safety Code 2021 for ensuring safety of employees, public and their assets.
 2. In pursuance to Rule 4(g), of Performance Standards (Distribution) Rules, 2005, and clause SR 4 of Distribution Code, 2005, following is being done in this regard:
 - a. distribution facilities are being constructed, operated, controlled and maintained in a manner consistent with the Distribution Code, Power Safety Code, Consumer Service Manual and other applicable documents as given below:
 - HSE manual was prepared and got approved by the Authority last year.
 - HSE manual has been widely circulated, awareness sessions held and now it's being followed by the field formations.
 - Several SOPs on Safety prepared to help prevent accidents in the field.
 - Safety Instructions are being issued from time to time as per requirement to address particular situations.
 - b. In order to prevent harm to human life due to leakage current/step potential or due to breakdown of equipment, following is being ensured:
 - A project worth PKR 788.8 Mln for earthing of self-extended 11kV line is has already been approved by the TESCO Board of Directors subject to the release of of funds by the Authority as part of Distribution Margin. The project will be completed in two years after availability of funds and contribute positively to prevention of accidents,
 - Risk Assessment of critical areas where breakdown of equipment (poles, cross arms, conductors etc.,) can harm human life or property is being done regularly. Hazards are identified and mitigated on priority.
 - For prevention of harm to company assets e.g., from fire, awareness training on fire prevention and fire fighting is being provided to all employees during their Safety Trainings at TESCO Training Center.
 - HSE procedures and SOPs have been made and Safety Instructions are being issued from time to time.



- c. To address the challenge of implementing regulatory compliance, following actions are being put in place:
- A legal register is prepared as the parent document for the implementation of compliance by compiling the requirements of appropriate rules, regulations, and working practices in a single document.
 - Old Safety syllabus for training has been discarded and revised syllabus comprising of modern safety techniques is being introduced to meet with current and future challenges.
 - Twenty Master Trainers in Safety have been trained to provide further training in their respective departments. This has accelerated the pace of training in the field.
 - Beside other topics, the new safety syllabus includes training on new equipment, as well as basic first aid for first responders on an accident site CEO Office, is monitoring of all safety-related activities on daily basis.
3. For compliance of clauses PSC-1, PSC-2 & PSC-6.3 of Power Safety Code, following is being done:
- A legal register is under process of preparation for implementation of Power Safety Code on a compliance matrix.
 - Morning safety talks are a mandatory requirement before start of work to ensure work is planned keeping safety in mind.
 - Safety leadership has been introduced and is now being taught a part of Master Trainer Program
 - Job Hazard Analysis of safety-critical jobs has been done and PPE specifications, which are required to perform that job safely, have been prepared according to international standards.
 - Regular checks to ensure care, use, and maintenance of PPE in the field are being done in routine inspections and surprise inspections.
 - Fire prevention measures are checked in Safety Audits and shortcomings, if any, communicated to the relevant department for rectification.
 - Vegetation Management (tree trimming) is a part of Preventive Maintenance Program which is an annual feature of our proactive measures.
4. During the financial year 2022-2023 Alhamdulillah there was no employee accident, only one fatal accident of private public person occurred in TESCO, which has already been reported to HSE NEPRA Portal on time and TESCO is submitting monthly HSE report on regular basis to NEPRA through email address (hsenepa.org.pk). The above accident was properly investigated by Safety Directorate TESCO and as per inquiry report the deceased illegally climbed on live line without informing sub division staff and fell down, resultantly met with fatal accident. The said accident was happened neither due to non-availability of pole earthing nor due to any negligence of TESCO staff or Management.



5. TESCO was placed in "POOR" category during its NEPRA's HSE Performance Audit for year 2021-22, however after our concerted efforts for safety enhancement: the Authority has placed it in "GOOD" category during its 2022-2023 audit
6. TESCO's service area is one of the toughest in the country riddled with security challenges as well as the difficult terrain. The situation has become more complex with the shortage of skilled manpower. In spite of all these challenges, the aforementioned safety improvement initiatives taken by TESCO have resulted in improved safety performance in the field. The remarkable reduction in number of accidents, which is verified by the Authority itself in its annual audit, is in itself proof of the effectiveness of its Safety Management System. It is, therefore, humbly requested that the genuine efforts of TESCO be acknowledged by the Authority and no time be imposed and exonerate the undersigned from any legal proceedings."

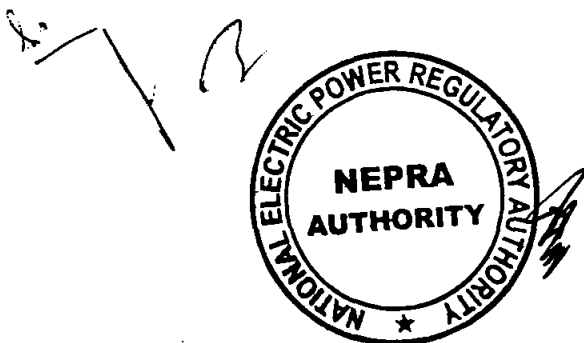
Hearing:

8. The Authority considered the response of the Licensee and decided to provide an opportunity for a hearing to the Licensee under NEPRA (Fine) Regulations, 2021, before further proceeding in the matter. Accordingly, the said hearing was held on February 13, 2024, wherein, the CEO of the Licensee along with his team made the following submissions:
 - (i) In FY 2022-23, only one fatality of a private electrician occurred in TESCO's service territory.
 - (ii) The said accident was not reported to TESCO. We got the information about the incident through social media.
 - (iii) As per the TESCO's record, there was heavy rainfall on 23.03.2023. Due to the rain, the conductor got slipped from the insulators. The victim (private electrician) climbed up the pole, and with the help of a wooden stick, he started to set righting the conductor. During the process, he got slipped and fell on the ground. As a result, he suffered a head injury and died.

Findings/Analysis:

9. From the aforementioned facts, it is concluded that only one public fatality occurred in the service territory of the Licensee during the period FY 2022-23. In the instant case, a private electrician got electrocuted while working illegally on the feeder without informing the concerned sub-divisional staff. Therefore, the Licensee cannot be held responsible for that accident.

However, the Licensee is hereby directed to strictly follow all the Safety SOPs while working on HT/LT lines. Moreover, the earthing/grounding task of the HT/LT poles/structures must be completed by the Licensee on a war footing basis. Additionally, the Licensee must take all possible efforts in order to keep fatal accidents of both the employees and the public to zero.

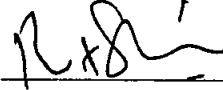


10. Decision

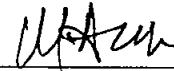
Keeping in view the submissions of the Licensee, the evidence available on record, and provisions of relevant NEPRA laws and terms and conditions of distribution license issued to the Licensee, the Authority hereby accepts the response of the Licensee to be satisfactory and decides to close the matter.

AUTHORITY

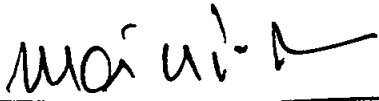
Rafique Ahmed Shaikh
Member (Technical)



Engr. Maqsood Anwar Khan
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Mathar Niaz Rana (nsc)
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Amina Ahmed
Member (Law)

Waseem Mukhtar
Chairman



Dated 05/07/, 2024

