



PUBLIC CONSULTATION FOR TARIFF APPROVAL PROCESS

The Water Services Regulatory Board under its mandate under section 47 (1) (g) of the Water Act 2002 has issued the tariff guideline. This guideline states the following under paragraph 5.13:

Public Consultation

Before submitting the Tariff Adjustment Proposal to WASREB, each water services provider (WSP) should undertake a public consultation. Main stakeholders and the public should be informed about the planned tariff adjustment and allowed to give feedback to the WSP. The WSP should document the process and submit a record of the proceedings to WASREB.

GUIDELINES OF PUBLIC CONSULTATION FOR TARIFF APPROVAL PROCESS

1. Pre-consultation process

1. The Water Service Board (WSB) and WSP in consultation develop an appropriate tariff and the WSB submits it to WASREB
2. WASREB receives the application and gives guidance on the content of the application and which figures need revision. This guidance is given in a meeting between the WSB, WSP and WASREB where agreed action points are signed by all parties.
3. After the first meeting the WSB and the WSP shall have the public consultation in the area where the WSP provides service.

2. Procedure of consultation

1. 20 days before the date of the public consultation the WSB and the WSP shall issue a public notice to the stakeholders on the intention to adjust the tariff.

2. The public notice shall be published in at least two of the local media in the area of service and posters shall be placed in the offices of the WSP and other strategic places such as markets in the service area of the WSP. Electronic media such as local radio stations may also be used.
3. Letters shall also be written inviting the key stakeholder groups inviting them to the public consultation meeting.
4. The notice of invitation to the public consultation may give a telephone number or an email address to which members of the public wishing to attend shall sent their confirmation of attendance.

A. The key stakeholder groups are:

Stakeholders are persons who have a relevant interest in the company's business. The following stakeholders shall be invited to the stakeholder meeting.

- i. Consumers generally
- ii. Residents – through the relevant residents associations and include the informal settlements
- iii. Main consumers of water in commerce, industry and agricultural sectors
- iv. The government administrative agencies, DC, DO, chiefs
- v. The local authorities – town clerks, county clerks etc
- vi. Active civil society groups in the area
- vii. Women organisations in the area
- viii. Churches / mosques in the area

The key management staff of the WSB and WSP must attend the consultation meeting.

B. The agenda of the meeting will include presentations on the following:

- Introduction – where all present are acknowledged as well as the purpose of the meeting.

- i. WSP profile- shareholders, BOD, staff, area of coverage, targets set. Relationship with WSB can also be expanded upon.
- ii. WSP performance in terms of water production, sales and revenues and expansions carried out.
- iii. WSPs costs and obligations under the Water Act 2002. Emphasis should be given on activities under the service needs plan of the WSP and the capital works plan of the WSB and the shortfalls experienced.
- iv. Necessity of tariff adjustment and expected outcomes especially financing of extensions etc.
- v. The percentage of tariff adjustment expected per consumption block and consumer category.
- vi. Interactive session with audience and questions answered
- vii. Audience must understand that views are sought so that concerns can be considered by WASREB in adjusting the tariff. The consultation process is not to seek permission.

3. WSB /WSP Post consultation process

1. Report of the meeting shall be submitted to WASREB as an integral portion of the tariff application
2. Report shall have legible attendance list with contacts
3. Report shall minute all concerns questions and answers in the public meeting.
4. Report shall be signed by the managing director and the CEO WSB as a true record of the public consultation process.

4. WASREB post consultation process

On receipt of the Report:

1. An integral condition of tariff application process shall have been met.
2. WASREB shall publish in the Kenya Gazette that it has received a request for a tariff adjustment in the WSB area for a concerned WSP and interested party can get details from WSB or WSP

3. WASREB shall perform analysis on application submitted and consider the sentiments in the public consultation report in assessing the data submitted.
4. WASREB shall approve a suitable tariff on analysis and send it to the WSB and WSP.

5. Public notification of approved tariff

1. WSB shall liaise with WASREB in drafting a suitable notice.
2. On agreement on content of notice WSB shall submit signed notice to WASREB.
3. WASREB CEO shall approve signed notice.
4. Notice signed by both CEO WSB and CEO WASREB shall be submitted to the Government Printer.
5. One month notice period must always be issued for RTA.
6. A one month notice period must always be issued for ETA.
7. Failure to adhere to publication requirements shall attract penalties on the WSB under clause 3 of the License until the procedure is met.

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