



## **GUIDELINES OF PUBLIC CONSULTATION FOR REGULAR TARIFF REVIEW UNDER SECTION 72(1b) OF THE WATER ACT 2016**

### **A. Background**

Section 139 of the Water Act 2016 imposes a requirement for public consultation in relation to any application made or action proposed to be taken under this Act. It also provides for the procedure of Public consultation.

### **B. Pre-consultation process**

1. The WSP shall develop an appropriate tariff review application and obtain a No Objection from the respective County Government.
2. The WSP shall submit the application to WASREB.
3. WASREB reviews the application and gives guidance on the content of the application and areas that require review or adjustment. This guidance may be given in (a) meeting(s) between the WSP and WASREB where agreed action points are signed by all parties.
4. Once a suitable application has been agreed on, the WSP shall have the public consultation in the area where the WSP provides service.

### **C. Procedure of Consultation**

1. The WSP shall publish a notice, in relation to the application:
  - i. In at least one national newspaper of daily circulation; and
  - ii. In at least one Kenyan radio station broadcasting in that locality.

The notice shall—

- a. Set out a summary of the application;
- b. State the premises at which the details of the application obtained;
- c. Invite written comments on or objections to the application;
- d. Specify the person to whom any such comments are to be submitted; and



- e. Specify a date not earlier than thirty days after publication of the notice by which any such comments are required be received and specify a date not earlier than 20 days after the publication of the notice the date of the public consultation meeting. The publication/ notice inviting public comments on license application shall be run contemporaneously by WASREB.
2. The notice shall also be published in posters to be displayed prominently in the offices of the WSP and in strategic places such as markets and places of worship in the service area of the WSP.
  3. Letters shall be written to the key stakeholder groups inviting them to the public consultation meeting. 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 County Government
    - v. The Relevant Water Works Development Agency
    - vi. The government administrative agencies including County Commissioners, and chiefs
    - vii. Active civil society groups in the area
    - viii. Women organisations in the area
    - ix. Churches / mosques in the areaThe key management staff of the WSP must attend the consultation meeting.



#### **D. Agenda of the Public Consultation Meeting**

The agenda will include presentations on the following:

1. Introduction – where all present are acknowledged as well as the purpose of the meeting.
2. WSP profile- shareholders, BOD, staff, area of coverage, targets set.
3. Relationship with County Government and WWDA.
4. WSP performance in the last five years
5. WSPs costs and obligations under the Water Act 2016. Emphasis should be given on activities under the service needs plan and capital works plan of the WSP and the shortfalls experienced.
6. Necessity of tariff adjustment indicating what will be funded by the adjustment
7. The proposed adjustment in tariff structure and level
8. Interactive session with audience and questions answered

Audience must understand that views are sought so that all concerns can be considered by WASREB in adjusting the tariff. The consultation process is not to seek permission.

#### **E. WSP Post Consultation Process**

At the close of the thirty days, the WSP shall within fourteen (14) days submit a report on the entire public consultation, from the time of issuing the notice to the last day of the process.

This report is an integral portion of the tariff application. The report shall:

1. Include comments and questions received, before, during and after the public consultation meeting, with the responses given.
2. Contain the minutes of the public meeting
3. Have legible attendance list for the public consultation meeting, with the names, signatures and contacts of all attendees
4. Be signed by the managing director of the WSP as a true record of the public consultation process.



#### **F. WASREB Post Consultation Process**

On receipt of the Public Consultation report:

1. An integral condition of the tariff application process shall have been met.
2. WASREB shall perform analysis on the application received and consider the sentiments received at the WSP and WASREB in assessing the information submitted.
3. WASREB shall make a determination and if satisfied with the application, approve a suitable tariff and notify the WSP.

#### **G. Public Notification of Approved Tariff**

WASREB shall publish the approved tariff and the reasons for the decision in the Kenya Gazette.

1. WASREB CEO shall sign the notice of tariff adjustment
2. A One-month notice period must always be issued
3. The WSP shall make this gazette notice available on its website and prominently display it at their premises.