

Prishtinë: 02.11.2007  
ERO Code: D\_62\_2007  
Reference No: ERO/CPD\_D\_28\_08\_07

## Board of the Energy Regulatory Office

Taking into account the:

1. Competences of the Energy Regulatory Office given under sec.17.1 of the Law on Energy Regulator;
2. Provisions pursuant to Chapter 3 of the Rule on Dispute Settlement procedures in the Energy Sector;
3. KEK reply with reference no. HQ-CC1-P21 dated May 8th 2007 to the customer's complaint regarding the release from the electrical energy debt;
4. Complaint filed by the mentioned customer in the Customer Protection Department (hereinafter CPD) of Energy Regulatory Office in May 11<sup>th</sup> 2007 pursuant to the sec. 14.1 of the Rule on Dispute Settlements in the Energy Sector, under bookkeeping no: 63/05 2007;
5. ERO CPD Decision issued to customer in May 11<sup>th</sup> 2007,
6. Refusal of the ERO CPD decision filed by the customer to the Board of ERO dated August 6<sup>th</sup> 2007.

**In the session held in Nov. 1st 2007 has made this:**

### **DECISION**

The complaint of the customer Fane Bytyqi (customer no - DPR 15922) against the CPD decision dated May 8<sup>th</sup> 2007, **is REFUSED** due to the reasons presented in the Justification of this Decision.

### **Justification**

1. In April 26<sup>th</sup> 2007, the customer Fane Bytyqi has addressed KEK SH.A Supply Division-Customers Service with a request to be released from the electrical energy debt.

2. In May 8<sup>th</sup> 2007 KEK SH.A. – Supply Division- Customers Department has replied to the customer Fane Bytyqi by refusing her request of release from payment of electrical energy.
3. In May 11<sup>th</sup> 2007 the customer Fane Bytyqi has appealed the KEK Sh.A. – Supply Division- Customers Department reply with reference no: HQ – CC – P21 dated May 8<sup>th</sup>.2007 to the ERO CPD under complaint no: 63/05 2007.
4. In August 1<sup>st</sup> 2007 the ERO CPD has refused the customer's appeal due to the following reasons:
  - 4.1 KEK has twice offered the customer Fane Bytyqi, first a Contract on Debt Settlement dated Sept 9<sup>th</sup> 2003 at the amount of 1,648.00 €, and the second Contract on Debt Settlement has been signed in Oct 7<sup>th</sup> 2005 at the amount of 2,792.87 €. But in both occasions the customer Fane Bytyqi has not complied with the Contract as outlined by the Contract on Debt Settlement itself by which she has agreed with the contractual terms.
  - 4.2 In the customer's complaint for reducing the monthly installments related to the Contract on Debt Settlement dated October 7<sup>th</sup> 2005 at the amount of 2,792.87 € in 54 monthly installments of 49.70 €, it should be emphasized that the Contract on Debt settlement is based on the Debt Reprogramming procedure and that the overall calculation of the monthly installments and the values of the monthly installments is done following the calculations set by the Procedure and not by the customers desires.
  - 4.3 In Sept 13<sup>th</sup> 2005, Oct 7<sup>th</sup> 2006 and March 3<sup>rd</sup> 2007, the customer has been notified by KEK through the Switch off Notification that she has to pay the debt that she owes to KEK pursuant to Sec.16.1 of the Rule on Switching Off and Re-switching of the Customers in the Energy Sector in Kosova.
  - 4.4 In Oct. 3<sup>rd</sup> 2005, Nov.10<sup>th</sup> 2006 and April 10<sup>th</sup> 2007 since the customer has not fulfilled the requirements specified in the switch off notification namely did not pay the overall debt, KEK Sh.A. workers have switched her off pursuant to the Switch off order, based on Sec.6.1 of the Rule on Switching Off and Re-switching of the Customers in the Energy Sector in Kosova.
  - 4.5 The customer has been illegally re-switched on twice into the electrical network in January 26<sup>th</sup> 2007 and in May 15<sup>th</sup> 2007, yet the KEK workers after verifying the status has switched her off the electrical network following the Switch off order, based in Sec. 24.1 of the Rule on Switching Off and Re-switching of the Customers in the Energy Sector in Kosova.
  - 4.6 Pertaining to the release from the electrical energy debt, the Energy Regulatory Office does not have competences to release the customer off the debt unless the customer's complaint has to do with a concrete dispute and KEK has committed procedural violations, then the ERO CPD scrutinizes the case and comes up with a decision.

5. In August 6<sup>th</sup> 2007, the customer has filed her refusal against the CPD decision to the ERO Board.
  
6. In November 1<sup>st</sup> 2007 the Board of ERO has held a session and has reviewed all the presented documents and has further decided to refuse the costumer due to the justifications presented in the item 4 of the Decision.

Legal Advise: Against this Decision the customer may initiate a court hearing in the Competent Court in Prishtina within (14) days since the receiving of Decision or the publishing of the Decision in our Web-site, whichever of these happens first.

Chairman of the Board

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Board Members

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