

Prishtinë: 02.11.2007  
ERO Code: D\_63\_2007  
Reference no. ERO/CPD\_R\_47\_10\_07

## Board of the Energy Regulatory Office

Taking into account the:

1. Competences of the Energy Regulatory office outlined in Sec. 17.1 of the Law on the Energy Regulator;
2. Provisions pursuant to chapter 3 of the Rule on Dispute Settlement Procedures in the Energy Sector; Competences of the Energy Regulatory office outlined in Sec. 17.1 of the Law on the Energy Regulator;
3. KEK Sh.A. record dated in March 20<sup>th</sup> 2006 on replacement of the "ALBIMI LTD"'s meter;
4. The complaint of "ALBIMI LTD" filed to KEK Sh.A. dated May 30<sup>th</sup> 2006;
5. The complaint of "ALBIMI LTD" filed to KEK Sh.A. dated June 19<sup>th</sup> 2006;
6. The complaint of "ALBIMI LTD" filed to KEK Sh.A. dated Nov.15<sup>th</sup> 2006;
7. KEK Sh.A. reply dated in Dec.12<sup>th</sup> 2006 to the customer's complaint about the invoices of the months 03/04-2006;
8. The complaint of "ALBIMI LTD" filed to KEK Sh.A. dated March 5<sup>th</sup> 2007;
9. The complaint of "ALBIMI LTD" dated March 23<sup>rd</sup>,2007 filed to the Customers Protection Department (hereinafter CPD) of the Energy Regulatory Office (ERO) pursuant to sec.14.1 of the Rule on Dispute Settlement Procedures in the Energy Sector recorded in April 10<sup>th</sup> 2007 under bookkeeping no. 55/04.2007;
10. Customers transactions DGL 9000127, meter 35535804.
11. Records of the dates 01.April.2006; 01.May.2006; 01.June.2006; 01.July.2006; and 18.Oct.2006.
12. Record of the digital meter of ALBIMI LTD, meter no. 35535804 for the year 2006 and 2007.
13. Some photos from the factory shot by the customer ( the photos do not have the date)
14. ERO CPD recommendation in conformity with the Sec. 14.5 of the Rule on Dispute Settlement Procedures in the Energy Sector; dated Oct 22<sup>nd</sup> 2007 no.ZRrE/DMK\_R\_47\_10\_07;
15. Section 18 of the Rule on Dispute Settlement Procedures in the Energy Sector ;

In the session held in Nov. 1<sup>st</sup> 2007 adopted this:

### DECISION

The complaint of the customer "ALBIMI LTD" Sh.P.K – Thread and Carpet factory, Rr."A. Tahiri" P.N Gjilan (Customer Code - DGL – 9000127), is REFUSED due to the reasons presented in the justification of this recommendation.

## Justification

1. The customer "ALBIMI" LTD in 30 May 2006 has filed a complaint to KEK SH.A. regarding the following invoices:
  - o DGL-9000124 3/2006/R 05.April.2006 7,622.02€
  - o DGL-9000127 3/2006/16700 31.March.2006 52.22€
  - o DGL-9000127 4/2006/R 04.May.2006 2,874.72€

*In this complaint "ALBIMI" LTD has requested KEK to correct the electricity bills once again and install a meter in the "ALBIMI" LTD's substation because all the readings are being performed without the presence of the customer and the customer does not have access to the meter.*

2. The Customer "ALBIMI" LTD in June 19<sup>th</sup> 2006 has filed a complaint to KEK Sh.A. requesting the reconsideration of the spent electricity bill:
  - o DGL-9000127 5/2006/R 1,847.99€

*In this complaint the customer requests KEK.SH.A. to calculate the electricity expenditures based on the meter installed in the customer's substation, claiming that the electricity is not switched on in the most parts of the building due to the roof damage and to support this, the customer has provided some photos ( the photos do not have a date) which show that the facility has water and that he could not have spent the abovementioned amount.*

3. The Customer "ALBIMI" LTD in Nov. 15<sup>th</sup> 2006 has filed a complaint to KEK Sh.A. requesting the review of the spent electricity bill;
  - o DGL-900127 10/2006/R 1,875.61€

*In this letter the customer requests KEK SH.A. to carry out the reading from the date 1-2 of the month in the presence of "ALBIMI" representative.*

4. In Dec. 12<sup>th</sup> 2006 KEK Sh.A Supply Division in Gjilan replies to the customer:

*"Regarding your complaint dated 12.April.2006 for the invoices of the months 03/04-2006, the correction has been done in 24.05.2006 when the maxi graph is adjusted at the amount of 5,187.52€ with the justification of the Billing and Measurement Service. Yet, in the subsequent complaints of the dates 05.05.06 and 15.11.06 we were not able to correct anything since we did not receive any justification from the Measurement Service in order to correct the eventual invoices, therefore I ask you to address the Measurement Service in Gjilan about the reply since we have forwarded your complaint to this Service".*

5. The Customer "ALBIMI" LTD in March 15<sup>th</sup> 2007 has filed a complaint in KEK Sh.A. requesting the revision of the spent electricity bills since March 2<sup>nd</sup>, 2006, after privatization and the re-reading of the meter in the presence of the authorized person of "ALBIMI" since all the readings were conducted without the presence of a representative of "ALBIMI" so far.

6. In March 23<sup>rd</sup>, 2007 the customer “ALBIMI”LTD in its complaint addressed to the ERO CPD appeals the KEK reply dated Dec. 12<sup>th</sup> 2006.
7. *The customer “ALBIMI”LTD has requested that:*

*“ALBIMI LTD” requests from KEK to correct the electricity expenditures for the past 12 months, to calculate the spent electricity based on the expenditures of the electrical energy that are evidenced in the meter which is installed in “ALBIMI” substation, and in the future the electricity expenditures be billed referring to the meter installed at “ALBIMI”s ( which will enable the representatives of the “ALBIMI LTD” factory to have daily checks of the expenditures and the accurate calculation of the product), and in the future a representative of “ALBIMI” will be present during the reading.*

8. ERO CPD after analyzing and reviewing the documentation provided by KEK SH.A. and the customer, as well as the visit and the discussions with the KEK SH.A. representatives in the face of the place and the representatives of the customer, has proposed the ERO Board to refuse the customer’s appeal with no. 55/04 2007 because of the following reasons:

8.1 In order to clarify the case in question, in Oct 9<sup>th</sup> 2007 ERO Representatives have held a meeting in Gjilan with the KEK Sh.A. representatives – Supply Division of Prishtina; KEK Sh.A. Gjilan and the ALBIMI’s representative. KEK Sh.A. records dated 01.April 2006; 01.May.2006; 01.June.2006; 01.July.2006; and 18.Oct .2006 shows the status of the energy expenditures of the customer, the KEK Representative SH.A. Gjilan Branch explains that these records could be verified since the customer possesses digital meter in which is indicated the status of maxi graph and energy expenditures for the last 24 months (which covers the period on which the customer is disputing the invoices).

8.2 In the record of the digital meter of “ALBIMI” LTD, sent to ERO in Oct. 11<sup>th</sup> 2007, meter no. 35535804 for 2006 and 2007, is indicated the status of the meter and maxi graph. The meter appears to have registered the spent energy according to the KEK SH.A. records presented to ERO concerning the customer.

8.3 ERO CPD evaluating the customer’s complaint addressed to ERO, KEK Reply to the customer, analyzing of the presented evidences and based on the Legal framework applicable in Kosova ascertains that: KEK SH.A. has applied all the procedures pursuant to the applicable laws and that KEK Reply to the customer are in conformity with the prevailing legislation (except that the KEK SH.A. reply given to customer in Dec. 12<sup>th</sup>, 2006 should have been clearer for the customer). Taking this into account and pursuing the aforesaid CPD refuses the customer’s appeal as unfounded.

9. In Nov. 1<sup>st</sup> 2007 the ERO Board have held a session and revised all the provided documents and has decided to refuse the customer’s complaint due to the reasons displayed in item 8 of this Decision.

Legal Advise: Against this decision the customer may initiate court hearing in the competent court in Prishtina within (14) days since the day of receiving this decision or the day of publishing in our web-site, whichever one of these happens first.

Chairman of the Board

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Board Members

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