

Prishtinë: 02.11.2007
ERO CODE: D_65_2007
Ref.No: ERO/CPD_R_49_10_07

Board of the Energy Regulatory office

Taking into account the:

1. Competences of the Energy Regulatory Office provided under sec. 17.1 of the Law on Energy Regulator;
2. Provisions according to the Chapter 3 of the Rule on Dispute Settlement Procedures in the Energy Sector;
3. Sec. 4.7, Sec. 16.1 and Sec. 6.1 of the Rule on Switching offs and Re-switching in the Electrical Energy Sector;
4. Customer's complaint filed to the Customers Protection Department of Energy Regulatory Office (hereinafter ERO CPD) pursuant to sec. 14.1 of the Rule on Dispute Settlement Procedures in the Energy Sector; recorded under date May 28th, 2007 with bookkeeping no: 70/05.2007;
5. Electrical Energy Services Contract dated Aug. 12th 2003;
6. Switching Off Notification dated Jan. 31st, 2006;
7. Switching Off order dated March 10th, 2006;
8. Contract on Debt settlement dated March 10th, 2006;
9. Customer's complaint to KEK Sh.A. dated June 1st, 2006;
10. KEK Sh.A.'s Reply to the customer's complaint concerning the switching off of the electrical network and the set fine;
11. CPD recommendation to the ERO Board in conformity with the Sec. 14.5 of the Rule on Dispute Settlement Procedures in the Energy Sector; dated Oct. 22nd 2007 no: ZRrE/DMK_R_49_10_07; and
12. Sec. 18 of the Rule on Dispute Settlement Procedures in the Energy Sector;

In the session held in Nov. 1st, 2007 adopted this:

DECISION

The complaint of the customer Vedat Konushefci from Prishtina (commercial customer 7/02; customer code DPR – 90022729), is **REFUSED** due to the reasons provided in the justification of this decision.

Justification

1. The customer Vedat Konushefci in June 1st, 2006 has filed a complaint in KEK Sh.A. Supply Division- Customers Department regarding the switching off fine with the justification that the Debt Settlement contract has been signed on that very day.

2. KEK SH.A- Supply Division –Customers Department has replied to the customer by refusing him, due to the fact that in March 10th 2006 because of the customer’s debt of 524.62 € technical team has been ordered to switch the customer off the electrical network, and the order has been executed in that very day. The Technical team has sealed the place under no. 10063827 and because of this service, the customer has been charged a fee of 100.00 € plus VAT totaling to 115.00 €.
3. After this the customer in May 28th, 2007 has addressed the ERO CPD with the registration no: 70/05 2007 appealing the KEK Sh.A. reply regarding the Switch-off fine.
4. The customer in his appeal has requested to be spared from the switching-off fine dated March 10th, 2006 charged by KEK Sh.A.
5. CPD while analyzing and perusing of the documentation provided by KEK and the customer, has proposed ERO Board to refuse the customer’s appeal no: Nr. 70/05 2007 due to the following reason:

5.1 In January 31st, 2006 KEK has informed the customer through the switching off notification that he should pay the debt owned to KEK which was around 499.15 € at the time pursuant to sec. 16.1 of the Rule on Switching-off and Re-switching of the customers in the Energy Sector in Kosova. Therefore the switching off notification has charged the customer’s card (overall debt) at the amount of 10 € plus VAT, totaling to 11.50 €.

5.2 Since the customer has not fulfilled all the specified actions according to switching off notification, namely has not paid the overall debt or has not signed the Contract for reprogramming of the debt within the timeline given in the switching off notification, in March 10th, 2006 through the switching off order the actual switching off of electrical network has been executed by KEK Sh.A technical team pursuant sec. 6.1 of the Rule on Switching-off and Re-switching of the customers in the Energy Sector in Kosova. This switching off has charged the customer’s card with 100 € plus VAT, totaling to 115 €.

5.3 That same day, the customer (date March 10th, 2006) has signed a contract with KEK Sh.A. for the electrical energy Services thus taking the contractual obligations of the customer.

5.4 In March 10th, 2006 the customer has signed a debt settlement contract with KEK Sh.A. at the amount of 524.62 € for 16 monthly installments, with a monthly installment of 23.40 €.

5.5 Based on sec. 6.1 of the Rule on Switching-off and Re-switching of the customers in the Energy Sector in Kosova, the energetic enterprise can switch off the customer who does not pay his invoice or the amount set by a payment –agreement signed between the energetic enterprise within the final deadline and according to the conditions outlined in the invoice provisions or payment pursuant to the General Terms on Energy Supply.

5.6 KEK Sh.A has acted upon the prevailing legal framework and in compliance with the regulations issued by the Energy Regulatory Office.

5.7 CPD after evaluating the customer’s complaint addressed to ERO, KEK Sh.A. reply to the customer, analyzing of the provided evidence and further following the Legal Framework Applicable in Kosova,



concerning the customer's complaint on disputing of the switching off fine ascertains that KEK Sh.A has applied all the procedures outlined in the Rule on Switching-off and Re-switching of the customers in the Energy Sector in Kosovo, and therefore **REFUSES** the customer's complaint as unfounded.

6. In Nov. 1st 2007 the ERO board has convened and perused all the provided documents and has further decided to refuse the customer's complaint due to the justifications outlined in the item 5 of this decision.

Legal Advise: The customer may initiate court hearing before the Competent Court in Prishtina within (14) days since the receiving of this decision or the publication of the decision in our web-page, whichever one of these happens first.

Chairman of the Board

Board Members
