

**Prishtina: 24.05.2005**  
**ERO Code: D\_49\_2007**

**Reference no: ERO/CPD\_R\_16\_05\_07**

## Board of the Energy Regulatory Office

### Taking into Account:

1. Competences of the Energy Regulatory Office provided under Sec. 17.1 of Law on Energy Regulator;
2. Provisions pursuant to Chapter 3 of Rule on Dispute Settlement Procedures in the Energy Sector;
3. Section 4.7, section 16.1, section 6.1 and section 24.1 of the Rule on Switching Off and Re-Switching in the Electrical Energy Sector;
4. Complaint filed by the customer to the Customers Protection Department (CPD) of the Energy Regulatory Office pursuant to Sec.14.1 of the Rule on Dispute Settlement Procedures in the Energy Sector recorded in Feb, 20<sup>th</sup> 2007 under bookkeeping No: 42/02.2006;
5. Switch-Off Notification dated Sept 9<sup>th</sup>, .2005;
6. Switch-Off Notification dated Oct 19<sup>th</sup>,.2005;
7. Switch-Off Notification dated 01Feb 1st.2006;
8. Switch-Off Notification dated March 24<sup>th</sup>, 2006 (photos provided);
9. Switch-Off Notification dated July 16<sup>th</sup> 2006;
10. Switch-Off Notification dated Dec 7<sup>th</sup>, 2006;
11. KEK reply dated Feb. 14<sup>th</sup> 2007 to the customer's complaint concerning the switch off fines.
12. Sec. 20.4, Sec. 20.3 and 20.9 of the Law on Radio Television of Kosova No. 02/L-47;
13. CPD recommendation to ERO Board in conformity with the Sec. 14.5 of the Rule on Dispute Settlement Procedures in the Energy Sector dated May 23rd, 2006 No: ZRrE/DMK\_R\_16\_05\_07;  
and
14. Pursuant to Sec.18 of the Rule on Dispute Settlement Procedures in the Energy Sector;

**In the session held in May 23<sup>rd</sup>, 2005 adopted this:**

**DECISION**

Complaint of the customer Arben Hetemi from Vitia is **REFUSED** due to the reasons provided in the justification of this Decision.

### Justification

1. Customer in his complaint addressed to KEK Supply Division-Customers Department- Gjilan District has requested to be spared from payment of the switch off fines.
2. In Feb.14<sup>th</sup> 2007 Supply Division of Gjilan District (KEK) has replied to the customer relative to the customer's complaint by actually refusing it and furthermore informing him about his rights towards appealing of KEK Decision in Energy Regulatory Office.
3. The customer has appealed to the ERO CPD regarding the switch off fine and prepayment for RTK.
4. The customer has disputed the switch off penalties (fines) dated Oct.19<sup>th</sup> 2005 and March 24<sup>th</sup>, 2006.
5. Customers Protection Department while analyzing and perusing of the documentation provided by the customer and KEK as well as after the interview with the customer and KEK has proposed the ERO Board to refuse the customer's complaint no.44/02 2007 due to the following reasons:
  - 4.1 The Customer could not evidence that KEK has breached the switch off procedures.
  - 4.2 Based on sec.4.7 of the Rule on Switch Off and Re-switching of the Customers in the Energy Sector approved in Feb. 24<sup>th</sup> 2006 by the ERO Board, the energetic enterprise has the right to charge certain tariffs relative to preparation of the switch off and re-switching notifications as well as switch off and re-switching of customers in conformity with the Pricing and Fines List which is provided in the attachment of this rule.
  - 4.3 Based on Sec. 16.1 a) of the Chapter 4 of Rule on Switch Off and Re-switching of the Customers in the Energy Sector, you have been informed prior to being switched off by KEK Supply Division through a switch off notification. According to Pricing and Fines List for the preparation and distribution of the notifications (switch off and/or re-switching notifications), your fine is set to 10.00 € plus VAT, totaling to 11.50 €. The customer has received switch off notifications in Sept.9th.2005, Feb 01<sup>st</sup> 2006, July 16th.2006 and in Dec 7th..2006.
  - 4.4 Based on the Sec.6.1 of the Rule on Switch Off and Re-switching of the Customers in the Energy Sector, the energetic enterprise could switch off the customer who does not pay his invoice or the amount as determined by a payment agreement signed with the energetic enterprise within the deadline and pursuant the conditions outlined in the provisions of the invoice or payment in accordance to the General Terms of Energy Supply. For switch offs and re-switching of non-domestic economies in conformity with the Pricing and Fines List (where your complaint pertains to) the fine is set to be 100.00 € plus VAT totaling 115.00 €. The Customer has been switched off of electrical network in Oct. 19<sup>th</sup> 2005 and in March 24<sup>th</sup>, 2006.
  - 4.5 KEK has acted upon the prevailing legal framework and based on the rules issued by the Energy Regulatory Office.

6. In May 23<sup>rd</sup>, 2007 ERO Board has held the session and reviewed all the provided documents and has further decided **to Refuse** the customer's complaint due to the reasons provided in the item 4 of this Decision.

Pertaining to your complaint concerning the prepayment for Radio Television of Kosova, CPD after analyzing and reviewing all the documents provided by KEK and the customer has proposed ERO Board to refuse the customer's complaint no. 44/02 2007 due to the following reasons.

- Based on **Law No. 02/L-47** on Radio television of Kosova referring to sec/20.4 of this Law all physical and legal entities in the territory of Kosova are obliged to prepay for the public transmitter. As such entities will be considered units who have an electricity bill or any other public invoice.
- Exempt from this payment according to sec.20.3 and 20.9 of the **Law No. 02/L-47** are those domiciles or parts of habitations in Kosova that lack a qualitative land-line television signal as well as the families that are enlisted by the Ministry of Labor and Social Welfare as a specific category or those that are under social welfare scheme.
- The customer has not documented that he fulfills any of the requirements of sec.20.3 and 20.9 of **Law No. 02/L-47** on Radio television of Kosova.

In May 23<sup>rd</sup>, 2007 ERO Board has held a session and has reviewed all the documents provided and has decided to refuse the customer's complaint relative to prepayment for RTK due to the reasons provided in the above-written items of this Decision.

### **Legal Advice:**

The customer has the right to initiate a court hearing against this decision in the Competent Court in Prishtina within (14) days since the day of receiving this Decision.



ERO Board Chairman

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Board Members:

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