

Prishtinë: May 31st, 2007

ERO Code: D_52_2007

Reference No.: ERO/CPD_R_17_05_07

Board of Energy Regulatory office

Taking into account:

1. The competences of the Energy Regulatory Board outlined in the Sec.26 of the Law on Energy Regulator;
2. Provisions pursuant to chapter 3, sec.16 of the Rule on Dispute Settlement Procedures in the Energy Sector;
3. Complaint filed 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 May 24th 2007 with bookkeeping no: 59/05 2007;
4. KEK process (Prizren Distribution)- Cutting of the Electrical Energy Supply under no. 00224 dated July 8th, 2004;
5. KEK Process Control Service – Prizren Distribution no. 0000012 dated Sept.13th 2004;
6. Invoice no. 290/2004, Sales Department Billing Sector (Prizren District);
7. Charge/Discharge Order by KEK date Oct. 01, 2004;
8. KEK notification-Prizren Distribution about the amount charged;
9. Protocol on checking the electric meter of the Calibration Service;
10. Record of the electrical installation check date 21 Nov. 2005;
11. KEK evidence- Prizren Distribution about Disputing of unauthorized spending dated Nov.7th 2006;
12. KEK reply dated May 15th, 2007;
13. Customers' Transactions (Customers' Card);
14. Payment receipt dated May 24th.2007;
15. Sec. 19, sec. 19.1 respectively 19.5 a) of the Rule on Switch-offs and Re-Switching of Customers in the Electrical Energy Sector;
16. Sec. 18 of the Rule on Dispute Settlement Procedures in the Energy Sector;

In the Session held in May 31st 2007, the ERO Board issues this:

DECISION

1. By which the complaint of the customer “EUROPA” SWEET-SHOP is **partly approved**, and accordingly ERO demands from KEK SH.A **not to cut the electrical supply** of the abovementioned customer until the case is decided upon by the Energy Regulatory Office.
2. KEK is obliged **to hand over to ERO the documents and additional information pursuant to paragraph 8 of this Decision.**

Justification

1. Following the discharge/charge order date Oct 01st, 2004 the customer “**EUROPA**” **SWEET SHOP** is charged with unauthorized spending based on the record of the KEK control service SHA no. 0000012 dated Sept. 13th, 2004. The same amount of the financial charge has been deducted from the customers card in Nov. 07, 2006 while the same amount of the financial charge has been registered in the card on May 16th, 2007 (Customer’s transactions).
2. The customer has filed the complaint in Sept 28th 2006 in KEK Supply Division- Prizren District regarding the charged amount (unauthorized spending) following the record of the Control Service no. 0000012.
3. In May 15th 2007, KEK has replied to the customer by refusing him regarding the unauthorized spending, with the justification that the charge related to the unauthorized spending has been set pursuant to the record of the Control Service no. 0000012 dated Sept 13th, 2004, adding further that this record has been compiled based on the report of the Calibration Service which has ascertained that the meter has been misused.
4. The customer has filed a complaint against the KEK reply in the ERO Department of Customers’ Protection on the date May 24th, 2007 under the bookkeeping no. 69/05 2007 and has further requested not to be switched off the electrical network before the case is decided upon by ERO.
5. According to the sec.19.5 of the Rule on Switch-offs and Re-switching of customers in the Electrical Energy Sector, the customer is requested to pay the undisputed part of the debt until the case is reviewed and decided upon by ERO. Following this, the customer has paid the undisputed part of the invoice as could be seen in the customer’s card.
6. Based on sec.19.1 of the Rule of Switch-offs and Re-switching of the Customers in the Electrical Energy Sector in Kosova, KEK SHA will not switch off the customer until the investigation related to his refusal is performed and since the conditions of Sec. 19.5 are met.

7. The decision for not-switching off results due to:
 - a) Uncertainties of the record issued under KEK logo but not signed by KEK responsible officials;
 - b) Failure to provide the customer with a clear calculation of the amount due. Furthermore the same charge has been disputed and dismissed by KEK and subsequently been re-introduced by KEK itself;
 - c) That the conducted procedure of ascertaining the unauthorized spending is completely wrong and non-transparent (it lacks clear statements for the status of the meter as well as the record of the temporary installed meter since the original meter of the customer has been delivered to the calibration lab).
8. Within a time period of 15 days since the issuance of this Decision, KEK is requested to provide ERO with additional facts and evidence that testify otherwise of what has been stated in the paragraph 7 of this Decision.
9. After obtaining the information ERO Board will evaluate the issue of the unauthorized spending.

Legal Advise: The claimant has the right to initiate a court hearing in the Competent Court in Prishtina against this decision within **fourteen (14) Days** since the day of receiving this Decision

ERO Board

Ali Hamiti, Chairman

Merita Kostari, Member

Theranda Beqiri, Member

Naim Bejtullahu, Member

Nysret Avdiu, Member