

**Prishtinë: 24.06.2007**

**ERO Code: D\_057\_07**

**Reference No: ERO/CPD\_R\_24\_06\_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. Section 4.7, sec 16.1, sec 6.1 and Sec 24.1 of the Rule on Switching Off and Re-Switching of the customers in the Energy Sector of Kosova;
4. Complaint filed by the customer in the Customer Protection Department (CPD) of Energy Regulatory Office pursuant to sec 14.1 of the Rule on Dispute Settlement procedures in the Energy Sector, registered in Feb. 20, 2007 under bookkeeping no: 43/02.2006;
5. Notification for switching off dated: July 15<sup>th</sup> 2005;
6. Notification for switching off dated: Oct.07<sup>th</sup>, 2005;
7. Order for the first switching off dated Oct.28, 2005 and order for second switching off dated in Nov. 14<sup>th</sup> 2005;
8. Contract on debt settlement dated Nov.18<sup>th</sup> 2005;
9. Notification for switching off dated April 28<sup>th</sup> 2006;
10. Notification for switching off dated June 21<sup>st</sup> 2006 (photographs presented);
11. Notification for switching off dated Sept 28<sup>th</sup>.2006;
12. Notification for switching off dated Oct.10<sup>th</sup> .2006 (photographs presented);
13. Notification for switching off dated Jan 08<sup>th</sup> 2007;
14. KEK reply dated Feb. 14<sup>th</sup> 2007 to the customer's complaint regarding the electrical network switching off fine.
15. Switching off order dated Feb 23<sup>rd</sup>.2007 (photographs presented);
16. Section 20.4, section 20.3 and 20.9 of the Law on Radio–Television of Kosova No. 02/L-47;

**In the session held in June 21<sup>st</sup>, 2007 adopts this:**

### **DECISION**

The complaint of the customer Mr.Sejdi Sejdiu (commercial customer – 7/01) **is REFUSED** due to the reasons presented in the Justification of this Decision.

### **Justification**

1. In his complaint addressed to KEK –Supply Division –Customer Division- GJilan District, the customer has disputed the invoicing of switching off fines(penalties) charged by KEK.
2. KEK Invoicing of switching off fines has been done due to the debt that the customer owed to KEK itself.

3. In Feb 14<sup>th</sup> 2007 the Gjilan District Supply Division (KEK) has replied to the customer's complaint by refusing and informing the customer about his rights on appealing the KEK reply to the Energy Regulatory Office.
4. In Feb. 20 2007 the customer has filed an appeal on KEK reply to the ERO Customer Protection Department (hereinafter CPD) regarding the invoicing of the switching off fines as well as the pre-payment for RTK. The ERO Customer Protection Department has recorded the customer's complaint in the claims registry under bookkeeping no. 43/02.2007.
5. The customer has disputed the fines for the first switching off in Oct 28<sup>th</sup> 2005, June 21<sup>st</sup> 2006, Oct 27<sup>th</sup> 2006 and Feb 23<sup>rd</sup> 2007 as well as the second switching off (the customer has performed the switching back on without KEK authorization and consequently that switching is considered illegal) in Nov. 14<sup>th</sup> 2005 and he has also disputed the pre-payment for RTK.
6. The Customers protection department by considering the customer's complaint addressed to ERO, KEK reply to the customer, analyzing the presented evidence and further based on the Legal Framework Applicable in Kosova regarding the customer's complaints in disputing the switching off fines and disputing of the pre-payment for Radio Television of Kosova ascertains that KEK has applied all the prevailing procedures. Regarding the dispute against the switching off fines, KEK has applied all the procedures outlined in the Rule on Switching Off and Re-switching of Customers in the Energy Sector in Kosova. Moreover, regarding the customer's complaint about the pre-payment to RTK, KEK has just applied all the provisions of the Law No. 02/L-47 about the Radio Television of Kosova. The KEK reply given to the customer concerning the aforementioned disputes matches the prevailing legislation. Considering the aforesaid, CPD recommends the ERO Board to refuse the customer's complaint no. 43/02 2007 which is an appeal to the KEK Reply dated Feb. 14<sup>th</sup> 2007. The customer's complaint should be refused because:
  - 6.1 In the case of local customer Sejdi Sejdiu, KEK has provided sufficient evidence that have certified that the customer from Vitia has been switched off the electrical network due to the debt that customer owed to KEK itself. This is evidenced also in the notifications for switching off, order for switching off.
  - 6.2 KEK reply for refusal of the complaint concerning the invoicing of the switching off fines is based on provisions of Rule on Switching Off and Re-switching of the Customers in the Energy Sector in Kosova.
  - 6.3 Based on Section 4.7 of the Rule on Switching Off and Re-switching of the Customers in the Energy Sector in Kosova adopted in Feb. 24<sup>th</sup> 2006 by the Board of Energy Regulatory Office, the energetic enterprise has the right to charge tariffs for preparation of the switching off and re-switching notifications as well as for switching off and re-switching of the customers in accordance with the Table of Pricing and Fines which is provided as an annex to this rule.
  - 6.4 Pursuant to section 16.1 a) of the Chapter 4 of the Rule on Switching Off and Re-switching of the Customers in the Energy Sector, prior to being switched off you are notified by KEK Supply Division through a Switching Off Notification. In

order to prepare and distribute the notifications (notifications for switching off and/or re-switching) and in accordance with the Table of Pricing and Fines, your fine is 10.00 € plus VAT resulting a total of 11.50 €. The customer has received the Notification for switching off in July 15<sup>th</sup> 2007, Oct 7<sup>th</sup> 2005, April 28<sup>th</sup> 2006, Sept 28<sup>th</sup> 2006 and Jan 8<sup>th</sup> 2007.

- 6.6 According to Sec. 6.1 of the Rule on Switching Off and Re-switching of the Customers in the Energy Sector, the energetic enterprise can switch off the customer who does not pay his invoice or the amount as set by a payment agreement contracted with the energetic enterprise within the final deadline and following the terms outlined in the content of invoice or payment in accordance with the General Conditions of Energy Supply. For the switching offs and re-switching of the non-family economies in accordance with the Table of Pricing and Fines ( Annex 1) where your complaint is categorized, the fine reaches the amount of 100.00 € plus VAT resulting a total of 115.00 €. Following the aforementioned section the customer has been switched off the electrical network due to the debt owed to KEK in the dates Oct 28<sup>th</sup> 2005, June 21<sup>st</sup> 2006, Oct 27<sup>th</sup> 2006 and Feb 23<sup>rd</sup> 2007.
- 6.7 Pursuant to sec.24.1 Rule on Switching Off and Re-switching of the Customers in the Energy Sector in Kosova, a customer that switches on or re-switches on the electrical services without written authorization from the energetic enterprise will pay the taxes and fines to the energetic enterprise at the amount set in accordance with the Annex 1 of the Rule on Switching Off and Re-switching of the Customers in the Energy Sector in Kosova. Illegal Re-switching of the registered customers of buildings after being switched off by the energetic enterprise for non-domestic customers (7/02) is 300 € plus VAT, resulting a total of 345 €.The customer has been re-switched on to the network without the authorization of the enterprise on Nov.14<sup>th</sup> 2005, therefore following the aforementioned section he has been switched off again from the network due to his illegal action and has been fined with 345 € which is the amount determined by the Annex 1 of the Rule.
- 6.8 Furthermore to the customer's complaint concerning the pre-payment for the Radio Television of Kosova, the ERO Customer Protection Department has scrutinized the case and presents these justifications:
- Based on the Sec.20.4 of the Law no. 02/L-47 for the Radio Television of Kosova all the physical and legal entities in the territory of Kosova are obliged to pre-pay for the public Television. Such entities will be considered units that have an electricity bill or any other public invoice.
  - Pursuant to sec 20.3 and 20.9 of the Law No. 02/L-47 exempt from the aforementioned obligation are only the inhabitants of the domiciles or parts of settlements in Kosova that lack a solid land line TV signal and the families enlisted by the Ministry of Labor and Social Welfare to be of a particular category including those families under social assistance.
  - The customer has not fulfilled the requirements of the sec. 20.3 and 20.9 of the Law no. 02/L-47 for the Radio Television of Kosova.

7. In June 21<sup>st</sup> 2007 the ERO Board has convened the session and reviewed all the presented documents and has further decided **to refuse** the appeal of the customer due to the reasons presented in the item 6 of this Decision.

**Legal Advise:** The customer 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**

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Ali Hamiti, Chairman

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Theranda Beqiri, Member

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Naim Bejtullahu, Member

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Nysret Avdiu, Member