

Prishtinë: 12.07.2007
ERO Code: D_059_2007
Reference No. ERO/CPD_D_20_06_07

Board of the Energy Regulatory Office

Taking into account:

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. Law No. 02/L-47 for Radio Television of Kosova;
4. Customer's appeal against prepayment to KEK;
5. KEK reply with reference no. DPR – CO1 – 12 dated April 17th 2007 to the customer's complaint against prepayment to RTK;
6. Complaint filed by the mentioned customer in the Customer Protection Department (hereinafter CPD) of Energy Regulatory Office in May 7th 2007 under bookkeeping no: 59/05 2007;
7. ERO CPD Decision issued to customer in June 11th 2007,
8. Refusal of the ERO CPD decision filed by the customer to the Board of ERO dated June 26th 2007.
9. Provisions of the Sec. 18 of the Rule on Dispute Settlement procedures in the Energy Sector;

In the session held in July 11th 2007 has made this:

DECISION

The appeal of the customer Mr. Afrim (Qazim) Mehmeti against the CPD decision **is REFUSED** due to the reasons presented in the Justification of this Decision.

Justification

1. The customer has filed a complaint against KEK SH.A. regarding the prepayment to the Radio television of Kosova.
2. In April 17th 2007 KEK SH.A. – Supply Division- Customers Department has replied to the customer by refusing his complaint related to the prepayment for RTK on grounds of Law No Nr. 02/L-47 on Radio Television of Kosova

3. In May 7th 2007 through his complaint with bookkeeping no: 59/05 2007, the customer has addressed the ERO CPD with the appeal against KEK Reply dated April 17th 2007 requesting to be released from the prepayment to RTK.
4. In June 11th 2007 the ERO CPD has refused the customer's appeal due to the following reasons:
 - 4.1 The customer has complained against KEK SHA regarding the prepayment to the Radio Television of Kosova.
 - 4.2 In April 17th 2007 KEK SHA in its reply to the Customer explains that the prepayment to RTK is based in Law on Radio Television of Kosova and that every house, business, enterprise or other institution in Kosova is obliged by law to prepay for RTK.
 - 4.3 In May 7th 2007 through his complaint no. 59/05 2007 the customer has addressed the ERO CPD with the appeal against KEK reply dated April 17th 2007 requesting to be released from the RTK prepayment.
 - 4.4
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 prepay for the public Television. Such entities will be considered units that have an electricity bill or any other public invoice.
 - 4.5
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.
 - 4.6
The ERO Customers Protection Department by considering the customer's complaint addressed to ERO, KEK reply to the customer and based on the Legislation Applicable in Kosova ascertains that KEK's reply given to the customer is in compliance with the prevailing legislation because; The customer Afrim (Qazim) Mehmeti has not fulfilled the requirements of the section 20.3 and 20.9 of the Law No. 02/L-47 on Radio Television of Kosova. Therefore the customer's complaint **is refused** as ungrounded.

5. In June 26th 2007 the customer has filed to the Board of ERO, the refusal of decision D_20_06_07 issued by the CPD.
6. In July 11th 2007 the ERO Board has convened the session, reviewed all the presented documents and has further decided **to refuse** the customer due to the reasons presented in the item 4 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** upon the day of receiving this Decision

Chairman of ERO Board

Dr. Ali Hamiti,

Board Members:

Naim Bejtullahu, Member

Theranda Beqiri, Member

Nysret Avdiu, Member