

Prishtinë: 02.11.2007
ERO Code: D_64_2007
Reference No: ERO/CPD_R_48_10_07

Board of the Energy Regulatory Office

Taking into account the:

1. Competences of the Energy Regulatory office outlined in Sec. 17.1 of the Law on the Energy Regulator;
2. Provisions pursuant to chapter 3 of the Rule on Dispute Settlement Procedures in the Energy Sector; Competences of the Energy Regulatory office outlined in Sec. 17.1 of the Law on the Energy Regulator;
3. The customer's complaint filed to Supply Division – Customers Department of KEK Sh.A. dated April 12th, 2006;
4. KEK Sh.A. –Supply Division-Customers department reply dated in April 15th, 2006 to the customer dated July 25th, 2006;
5. Contract dated July 27th, 2006 on debt settlement at the amount of 5.706.92 €, signed between the customer code named DPR-90038992 – Lutfi Muqolli and KEK Sh.A.
6. The complaint of the customer dated July 27th, 2006 filed to the Customers Protection Department (hereinafter CPD) of the Energy Regulatory Office (ERO) recorded in CPD under bookkeeping no. 11/07.2006.
7. ERO Request dated August 16th 2006 addressed to KEK SH.A. for filling up the documentation regarding the complaint of the aforementioned customer.
8. ERO Notification dated August 25th, 2006 addressed to KEK Sh.A. and the customer on prolonging the 30 days deadline regarding the solving of the claim.

9. KEK SH.A. letter dated August 25th 2006 together with the information requested by ERO for the aforementioned customer.
10. Reply with explanations of KEK Sh.A. regarding the reasons of refusal.
11. ERO Decision D_08_2005 on approval of the ABC supply scheme, item 1d of the decision;
12. CPD recommendation provided to ERO Board, in conformity with the Section 14.5 of the Rule on Dispute Settlement Procedures in the Energy Sector No.ZRrE/DMK_R_48_10_07; dated Sept.19th, 2007 and,
13. 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 Z. Lutfi Muqolli **"Mulliri Elektrik"** - Bajqinë, meter no.30653554 maxi graph: 30653554, is partly **APPROVED** due to the reasons provided in the justification of this decision.

Justifications

1. The customer in his complaint dated April 12th, 2006 has filed a complaint in KEK Sh.A. because during the implementation of the "ABC" plan, he has been in category "C" and that during this period he has been very poorly supplied with electricity.
2. Me datë 15.04.2006 KEK Sh.A – Divizioni i Furnizimit në përgjigjen refuzuese dhënë konsumatorit thekson se: **"deri në janar/2006 jeni duke u faturuar me lexim në muajin e keni faturim me "E"-mesatare dhe është me mesatare "E", kështu që në muajin e duhet të lexoheni dhe të faturoheni me lexim të faturohen gjendjet reale". FJALI e PAKUPTUESHME**

In April 15th, 2006 KEK Sh.A. – Supply Division in its refusal given to the customer emphasizes that: "until January/2006 you are being billed by reading in the 02/2006 month you are invoiced with an average "E" and the 06/2006 month is with average "E", therefore in the 07/2006 month you need to be read and invoiced by reading in order to have the realistic situation".

3. In July 27th, 2006 the customer has appealed the KEK SH.A. reply to the ERO CPD.
4. The customer in his request has demanded ERO to review the case since due to the frequent reductions of electricity the customer's maxi graph has not performed the realistic recording.
5. ERO CPD has analyzed the customer's complaint and in Aug, 16th 2006 has requested from KEK Sh.A additional documents as well as a justification with clearer explanations on reasons for refusal of the customer's complaint dated April 12th, 2006.
6. In August 24th, 2006 KEK Sh.A has replied ERO regarding the customer Lutfi Muqolli by explicitly explaining why the customer has been refused in April 15th, 2006.

The reply is the following:

6.1. Pursuant item 6 of the Order of KRAPS, KEK Sh.A. has reduced the tariffs about the engaged power to 30 %.

6.2. The customer has been switched on into output 10kV Letanci, code 050012 (another 1703 domestic customers are switched into it), is categorized in "B" and "C" category because is not a regular payer of the electrical energy and also it is situated to the zone where the payment of the electrical does not fulfill the requirements to be category "A".

6.3. The customer has received the notification for switching-off dated October 8th, 2005 since he has owed 2,460.63€. After this the customer has signed a contract on reprogramming of the debt, yet he did not complied with it. As a consequence the switch off has followed in March 29th 2006 since the debt has been 5,251.63€ at the time.

6.4. KEK Sh.A has applied the "ABC" plan which depends on the payment rate of the electricity as approved by ERO

7. In Aug.25th 2006, KEK Sh.A. provided ERO with additional documents about the customer: customer's card, invoices for the period April 2005-July 2006, customer's complaint, first reply of the KEK SH.A. Customers Department, reply on the ERO request.

8. ERO CPD following the analyses and consideration of the documentation provided by KEK and Customer as well as the review of the additional documentation offered after the request of the ERO CPD; has proposed to ERO Board to partly accept the complaint of the customer 11/07 2006 due to the following reasons:

8.1. Since December 2005 (when the "ABC" plan has commenced), until August 2006 there have been 1,341.98 hours and 80,519 minutes of power cuts due to the malfunctions and reductions (see the Table no.1 attached).

8.2. For the months Dec. 2005, Jan. 2006 and March 2006 (when severe reductions by KEK Sh.A were applied) ERO has calculated monthly about 300 work hours per customer, (that makes 10 hrs a day, from 08:00 till 17:00 – which are regular working hours of a shift). Due to the reductions the customer could work only:

- 107.07 work hours for December 2005,
- 83.37 work hours for January 2006 and
- 80.72 work hours for March 2006.

8.3. If we calculate this amount of hours in % + 30 % plus the bonus allowed with the prevailing tariffs until May 1st 2007 that also refers to the lack of uninterrupted supply thus inflicting an increased involvement of the engaged power into the tariff price, then we will have:

- Dec 2005, there are 35.69 % hrs +30 bonus = 65.69 %
- January 2006, there are 27.79% hrs +30 bonus = 57.79 %
- March 2006, there are 26.91 % hrs +30 bonus = 56.91 %

8.4. Correction of power in its value in € will be: power expressed in € on percentage from the upper paragraph and that sums up to:

- Dec 2005: from 470.24 € corrected into 308.90 €
- January 2006: from 473.46 € corrected into 273.61 €
- March 2006: from 71.16 € corrected into 40.49. €

8.5. This shows that, the difference allowed for correction to the customer by ERO is:

- December 2005, total 161.34 €
- January 2006, total 199.85 €
- March 2006, total 30.67 €

8.7. For the month of February, April, May, June, July, August 2006 the power is 0, so the power has not been invoiced and accordingly there were no corrections made.

8.8. ERO CPD while assessing the customer's complaint addressed to ERO, KEK reply to the customer and pursuant to the Applicable Legislation in Kosovo, partly accepts the customer's complaint.

9. In November 1st 2007, the ERO Board has convened and reviewed all the provided documents and has decided to **partly accept** the customer's complaint following the justification presented in the item 8 of this Decision.



Legal Advise: Against this decision the customer may initiate court hearing in the competent court in Prishtina within (14) days since the day of receiving this decision or the day of publishing in our web-site, whichever one of these happens first.

Chairman of the Board

Board Members
