



Prishtinë: June 24th 2008
ERO Code: D_101_2008
Reference no: ZRRE/DMK_R_78_04_08

Board of the Energy Regulatory Office

Taking into account:

1. Competences of the Energy Regulatory Office granted under sec. 17 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. Evidences and procedures provided by the parties;
4. Recommendation from ERO CPD: ZRRE/DMK_R_78_04_08; and
5. Section 18 of the Rule on Dispute Settlement Procedures in the Energy Sector;

In the session held in June 24th 2008 adopted this

DECISION

The request of customer Sadri Tafolli (customer code in KEK: DPZ – 9013340) from Theranda municipal village of Shiroke is **PARTLY ACCEPTED due to the reasons provided in the justification of this decision.**

Justification

1. The customer in its complaint addressed to ERO CPD dated May 15th 2007 has appealed the KEK J.S.C-Supply Division-Customers Department's reply dated May 11th 2007 relative to electricity debt transfer from the previous lessee Besim Ajazi.
2. The customer Sadri Tafolli in its claim has requested to be released from the debt on electricity spent by Besim Ajazi who has been the lessee/user of the commercial area (shop) following a lease contract for the period March 1st, 2004 to March 1st 2006.
Evidence: Lease contract dated March 22nd, 2004.
3. Besim Ajazi who has used the commercial area (shop) following a lease contract, in July 2nd 2004 has signed with KEK a contract on electricity debt regulation starting from March 1st 2004 until July 2nd, 2004 which is the date of signing the debt regulation contract. By this contract Besim Ajazi has taken the responsibility for settlement of financial obligations towards KEK for the power consumed since the day of taking the shop on lease which is March 1st, 2004.
Evidence: Debt Settlement contract dated July 2nd, 2005.



4. KEK has signed a contract with Besim Ajazi under the customer code of Sadri Tafolli following the lease contract between the two parties. In this case KEK has committed three violations of its own internal procedures:

4.1 Has signed a debt settlement contract without including in it the debt of the customer's code Sadri Tafolli (1438, 99 €), but only the part for which was due Besim Ajazi (475, 00 €).

4.2 Has signed a contract without requesting the initial payment from Besim Ajazi at the amount of € 100.00 + €11.00 but has transferred this charge into the customer's card as a charge to the customer.

4.3 Has changed the name of the code and meter holder based only on the contract (not certified by court) signed between two parties

Evidence: Debt settlement contract dated July 2nd 2005, customer's transaction card, customer's invoices, contract on power services with Besim Ajazi.

5. During the lease of the shop, Besim Ajazi has spent power equaling to 1309.58 € (including two switching-off notifications of 11.5 €, switching-off tax 115 € dated Dec.22nd, 2005) Besim Ajazi during the period of holding the shop under his name has paid KEK a total of 580 €. Besim Ajazi still owes to KEK the amount of 729.58 €.

Evidence: Customer's transactions card.

6. In May 11th 2007, KEK J.S.C Supply Division-Customers Department has conducted the necessary analyses and has refused the customer's complaint referring to the fact that customer's identification element is its code, meter number, customer's name and address, taking into accounts the contractual agreement that KEK has made with Besim Ajazi.

Evidence: KEK J.S.C's reply dated May 11th, 2007.

7. While analyzing the evidence provided by KEK J.S.C and the customer, ERO CPD **recommends** ERO Board to **partly accept** the customer's complaint and KEK undertake the following actions:

7.1 The Client Besim Ajazi to be legally persecuted for failure to pay the debt amounting to 729.58 € (following the debt settlement contract), or transfer the debt into a new customer card (if it is registered in KEK).

7.2 The amount of 729.58 € to be deducted from the customer card of Sadri Tafolli and the rest of the remaining debt to be requested from him.

7.3 Registration of no other client in this customer's card should be permitted without payment of the remaining debt and without proper evidence of lease contract certified by Court.

7.4 This shop (this code) should be billed in the name of the owner Sadri Tafolli for as long as there is no contract pursuant to count 3.



ZYRA E RREGULLATORIT PËR ENERGJI
ENERGY REGULATORY OFFICE
REGULATORNI URED ZA ENERGIJU

ERO Board has reviewed all the presented documents and has further decided to partly accept the customer's complaint due to the justifications displayed in the CPD's recommendation to ERO.

Legal remedy: A court hearing against this decision may be initiated by the party into the competent court in Prishtina within fourteen (14) days since the day of receiving this decision.

ERO Board

Ali Hamiti, Chairman

Theranda Beqiri, Member

Nysret Avdiu, Member