



Prishtinë: June 24th 2008
ERO Code: D_098_2008
Reference No.: ZRRE/DMK_R_93_06_08

Board of the Energy Regulatory Office

Taking into account:

1. Competences granted to Energy Regulatory Office under sec. 17 of the Law on Energy Regulator;
2. Provisions of Chapter 3, sec. 16 of the Rule on Dispute Settlements in the Energy Sector;
3. Evidences and procedures submitted by the parties;
4. ERO CPD's Recommendation: ZRRE/DMK_R_93_06_08;
5. Sec. 18 of the Rule on Dispute Settlements in the Energy Sector.

In its session held in June 24th, 2008 issued this:

DECISION

The appeal of the customer Mr. Shyqëri Krasniqi (KEK customer code: DPR – 90025738) from Prishtina is **REFUSED** due to the reasons presented in the justification of this decision.

Justification

1. The customer in his complaint addressed to ERO CPD dated May 6th, 2008 has appealed KEK JSC-Supply Division-Customer's Department dated May 16th, 2008 regarding the notification for switching-off and re-switching fees.
2. In March 13th, 2008 the customer has submitted a complaint in the KEK Customer's department refusing the switching-off notification fees and switching-off fees.
3. The KEK Customer's Department has replied to the customer refusing him under the justification that switching-off notifications and implemented switching-offs from KEK have happened due to the debt that the customer has owed to KEK. In KEK-s reply are emphasized the dates of the first and second switching-off as well as switching-off fines. The same reply was given to the customer by KEK also in May 16th 2008 by adding some legal explanations to the reply according to which the customer was charged.

Evidence: KEK's reply with reference no. DPR-CO1-14.



4. In May 6th, 2008 the customer has appealed KEK-s reply in ERO CPD.
Evidence: Customer's complaint in ERO CPD.

5. In July 1st, 2005 the customer has signed a contract on debt settlement with KEK, the amount of the re-programmed debts was 437.30€ while the monthly installments have been 22.00€.
Evidence: Customer's transactions

6. In Nov. 7th, 2005, KEK has sent to the customer a switching-off notification due to the debt owed to KEK. The customer's debt to that time has been 461.70 € (plus the other remaining part of DRC)
Evidence: Customer's transactions.

7. In March 30th, 2006 KEK has delivered the switching-off notification to the customer due to the debt owed to KEK. The customer's debt to that time has been 599.44 € (plus the other remaining part of DRC)
Evidence: Customer's transactions.

8. In April 25th, 2006 KEK Employees following the switching-off order has switched-off of the electrical network the customer due to his failure to comply with the requirements of the switching-off notification. By performing the switch-off by KEK teams, the customer is charged with a switching-off fine amounting to 115.00.
Evidence: Customer's transactions

9. In May 4th, 2006 KEK employees after the verification of the status at the customer have noticed that the customer is re-switched in the electrical network without KEK's permit and due to this act, KEK employees following the switching-off notification have switched the customer off of the electrical network again. By performing the second switch-off by KEK teams, the customer has been charged with a switching-off tax at the amount of 345.00 €.
Evidence: Customer's Transactions.

10. In Nov. 29th, 2006 KEK has the switching-off notification for the customer due to the debt owed to KEK, where the customer's debt until that time has been 1067.07 €.
Evidence: Switching-off charge in the customer's card transactions.

11. In Jan 6th, 2006 KEK has the switching-off notification for the customer due to the debt owed to KEK, where the customer's debt until that time has been 834.93 €.
Evidence: Switching-off charge in the customer's card transactions.

12. In March 2nd, 2007 KEK Employees following the switching-off order has switched-off of the electrical network the customer due to his failure to comply with the requirements of the switching-off notification. By performing the switch-off by KEK teams, the customer is charged with a switching-off fine amounting to 115.00€..
Evidence: Customer's transactions



13. ERO CPD while analyzing all the evidences presented by KEK JSC and the customer **recommends** ERO Board to **refuse** the customer's appeal due to the fact that:

- 13.1** KEK has respected the procedures, regulations and prevailing laws, except in two cases of sending switching-off notifications to the customer in March 30th 2006 and in Jan 6th, 2007.
- 13.2** All the switching-off notifications, switching-offs and re-switchings of the customer have been performed pursuant to the Rule on Switching-off and re-switching of the customer's in the energy sector.
- 13.3** Pursuant to sec.4.7 of the Rule on Switching-off and re-switching of the customer's in the energy sector in Kosova, the power company has the right to charge a fee to the customer for preparation of the switching-off notification as well as with the tax on performing the switching-off and re-switching pursuant to Annex 1: Table on Prices and Fines of the Rule on Switching-off and re-switching of the customers.
- 13.5** KEK has to discharge the customer's card for the amount charged for both switching-off notifications dated March 30th 2006 and Jan. 6th, 2007, these two notifications were not needed to be sent by KEK since it had to refer to the switching-off notifications sent earlier dated Nov.7th respectively Sept. 29th, 2006.
- 13.5** The customer has requested ERO to take into account the circumstances that have compelled the customer to re-switch without KEK's approval, but ERO does not have the mandate to relieve a customer from financial obligations charged by KEK, if KEK did not violate any prevailing legal framework. ERO understands and respects the martyrs of the customer's family but in the same time it is unfortunate that the legal mandate does not allow the relieving of the customer from the obligations owed to KEK. Judicial authorities are those that can take into account relieving circumstances for the customer.

ERO Board has reviewed all the presented documents and has further decided to refuse the customer's complaint due to the reasons presented in the ERO CPD recommendation.

Legal remedy: Against this decision the party may initiate a court hearing before the competent court in Prishtina within (14) days since the day of receiving this decision.



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ENERGY REGULATORY OFFICE
REGULATORNI URED ZA ENERGIJU

ERO Board:

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Theranda Beqiri, member

Nysret Avdiu, member