



Prishtinë: June 24th 2008
ERO Code: D_099_2008
Reference no: ZRRE/DMK_R_94_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_94_06_08; and
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 Agim Ajvazi (KEK customer code: DPR – 90011745) from Prishtina is **ACCEPTED** due to the reasons presented in the justification of this decision.

Justification

1. The customer in his complaint addressed to ERO CPD in March 4th, 2008 has appealed the KEK JSC- Supply Division-Customer's Department's reply dated Feb. 29th, 2008 relative to prepayment for RTK.
2. In Dec. 11th, 2007, the customer has filed a complaint in the KEK CPD refusing prepayment for RTK.
3. In Feb 29th 2008, KEK CPD has replied to the customer refusing him and referring to UNMIK Administrative Direction 2003/12.

Evidence: KEK's reply

4. In March 4th, 2008 the customer has appealed KEK's reply in ERO CPD.

Evidence: Customer's complaint.

5. ERO CPD while analyzing all the evidences submitted by KEK and customer has noticed that:

- 5.1 The customer has registered business in August 22nd, 2000 in the UN Interim Administration.

Evidence: Business registration certificate 80159030



- 5.2 The customer has extracted from Tax Administration the Tax certificate which has been given following his request dated Dec. 27th, 2002 with the intention of unregistering the subject in question.

Evidence: Tax Certificate of the Tax Administration

- 5.3 The customer has extracted a document from the Ministry of Trade and Industry dated May 23rd, 2003 in which document is emphasized that business no. 80159030 with the owner Bekim Ajvazi, seated in Prishtina has been registered in the Statistical Institute of Kosova and has acted since January 2001. The owner has requested to DISSOLVE this business in May 23rd, 2003 pursuant to the certificate issued by the Ministry of Trade and Industry, the business is closed down sine May 23rd, 2003.

Evidence: Certificate from the Ministry of Trade and Industry dated May 23rd, 2003

- 5.4 From the customer's card transactions it is evident that there has been an absence of data about the customer since the month of February 2003 until May 2004, according to KEK's information it is possible that the customer during this period has been treated as a passive customer.

Evidence: Customer's transactions card.

- 5.5 The customer's card shows that since January 2005 the Customer has been charged only with RTK tax which means that this customer did not have any energy consumption in this measuring point.

- 5.6 The customer does not possess any documents in which he has made a request to KEK for making the electrical meter passive.

- 5.7 KEK has billed the customer after closing down the business.

6. ERO CPD while analyzing all the evidence submitted by KEK JSC and the customer recommends the ERO Board to be accepted the customer's complaint since: Based on the data presented in the customer's card it is obvious that the month of January 2005 the customer has been charged only with RTK tax. KEK was supposed to inform the customer that he must make a request for making the electrical meter passive since the business was closed. The customer has not been aware that he should make a request for dismissal of the meter and has thought that he does not have any other obligations once he has closed down the business. It is requested from the parties that:

- 6.1 KEK should discharge the customer's card since January 2005 until the date of issuance of this decision.

- 6.2 KEK should find the customer's reading lists since May 2003 until Dec. 2004 and if it results that the customer has been zeroed, then it should discharge the customer's card for these months as well.



- 6.3** KEK should discharge the customer's card for the 3 last switching-off notifications, since after the first notification there were no other actions undertaken by KEK or the customer and for this KEK was supposed to be referred in the first notification and not send following notifications.
- 6.4** The customer should make a formal request for dismissing the meter, while KEK should actually dismiss it.

ERO Board has reviewed all the documents presented and has decided to accept 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.

ERO Board:

Ali Hamiti, Chairman

Theranda Beqiri, member

Nysret Avdiu, member