

Prishtinë: 14.01.2008
ERO Code: D_079_2008
Reference no: ERO/CPD_D_41_09_07

Board of the Energy Regulatory Office:

Taking into account:

1. Competences granted to the Office of the Energy Regulator by Sec. 17.1 of Law on Energy Regulator;
2. Provisions of Chapter 3 of Rule on Dispute Settlement Procedures in the Energy Sector;
3. KEK Reply Sh.A.with reference no: DPR- CO1-09 to the customer appeal regarding debt dismissal - social case;
4. Customer appeal to Customer Protection Department (CPD) of ERO;
5. Decision of the ERO CPD issued to the customer dated Sept.25th, 2007
6. Denial submission of the customer to ERO CPD issued decision addressed to ERO Board dated Oct 22nd, 2007

In the session held in January 14th, 2007 adopted this:

DECISION

The appeal of customer Zahide Sllamniku (customer code DPR – 123217) against CPD Decision **IS REFUSED** due to the reasons displayed in the justification of this decision.

Justification

1. In July 10th, 2007 the customer in her complaint addressed to KEK Sh.A. - Supply Division-Customer Department has requested to be switched-on into electrical network since she is a social case.

2. KEK Sh.A in its reply to the customer has refused the customer because it has made the necessary correction pursuant to the Agreement of Understanding signed between the Ministry of Labor and Social Welfare and KEK Sh.A., and it will act similarly during the course of 2006.
3. In July 20th, 2007 the abovementioned customer has appealed the KEK Sh.A.-Supply Division-Customer Protection Department to the ERO CPD.
4. In Sept,25th 2007 ERO CPD has refused the complaint of the customer Zahide Sllamnike concerning the exemption from the total debt to KEK Sh.A., while it has accepted the complaint of the customer Zahide Sllamniku concerning the exemption from RTK prepayment due to the following reasons:
 - 4.1 ERO CPD while analyzing this customer's case has noticed that in the customer's card is indicated that in July 24th, 2007 KEK Sh.A. has dismissed the payment of the customer at the amount of 150.56 € pursuant to the documentation submitted to KEK Sh.A for social cases for 2006, since the Ministry of Labor and Social Welfare (hereinafter MLSW) has allocated for KEK Sh.A a fund for 2006.
 - 4.2 Concerning the exemption from the electrical energy debt, the Energy Regulatory Office does not have the competences to dismiss the customer's debt unless the customer's appeal has to do with a concrete dispute and KEK has committed procedural breaches, then it is the ERO CPD that reviews the case and makes a decision.
 - 4.3 ERO CPD while analyzing this customer's case has noticed that KEK Sh.A. has made procedural breaches. Pursuant to Law no. 02/L-47 on Radio Television of Kosova, exempt from prepayment in RTK are all those customers that fulfill the conditions of Sec. 20.3 and 20.9. Based on sec. 20.9 of the Law Nr. 02/L-47 exempt from prepayment for RTK are the families enlisted in the MLSW's list as a particular category including those under social assistance.
 - 4.4 ERO CPD has noticed that in KEK Sh.A. invoices sent to the customer is included the RTK prepayment as well. In KEK Sh.A reply to customer is noticed that the customer is released from the electrical energy debt for 2005 and 2006 since it has been a social case. Furthermore, based upon the evidence submitted by the customer it is noticed that she has been and still is a social case.
 - 4.5 Since the customer fulfills the conditions of sec.20.9 of the Law on 02/L-47 on RTK by which she is registered as a social case in the MLSW, it has the right to be exempted from RTK prepayment.
 - 4.6 Based on this, KEK Sh.A. Supply Division is obliged to release the customer from payment of the RTK prepayment amount as soon as possible for the periods that she has been a social case and registered as such in KEK Sh.A.



5. In Oct. 22nd, 2007 the customer has presented her refusal against the CPD Decision before the ERO Board, in the part of the refusing the CPD decision in ERO (Decision ERO/CPD_D_41_09_07)
6. In Jan.14th 2007 the ERO Board has held a session and revised all the submitted documents and has further decided that the ERO CPD decision (Decision ERO/CPD_D_41_09_07) given to the customer is orderly and has decided to refuse the customer due to the justifications presented in item 4 of the Decision.

Legal Advise: Against this Decision the customer may initiate a court hearing in the competent court in Prishtina within (14) days from receiving the Decision or its publishing in web-site, whichever occurs first.

Chairman of the Board

Board Members:
