

Prishtinë: Jan 14th, .2008
ERO Code: D_083_2008
Ref. no: ERO/CPD_R_62_12_2007

Board of the Energy Regulatory Office

Taking into account

1. Competences of the Energy Regulatory office provided under sec. 17.1 of the Law on Energy Regulator;
2. Provisions pursuant to Chapter 3 of the Rule on Dispute Settlement in the Energy Sector;
3. Provisions pursuant to Rule on Switching-off and Re-switching of the Customers in the Energy Sector of Kosova;
4. Customer's appeal addressed to ERO CPD dated in Oct.11th, 2007 under bookkeeping no: 123/10 2007;
5. Switching-off notification dated July 4th, 2007;
6. Switching-off order dated Sept 27th, 2007;
7. KEK Sh.A reply- Supply division- Customers' department dated Oct 11th, 2007 under reference no. DPR – CO1 – 11 relative to calculation of the switching-off fine;
8. Sec. 18 of the Rule on Dispute Settlement in the Energy Sector;

In their session convened in Jan. 14th, 2008 adopted this:

DECISION

The claim of the customer Vahide Mala (commercial customer – 7/01, customer code DPR - 90022203) is **REFUSED** due to the reasons provided with the justification of this decision.

Justification

1. The customer in its appeal dated Sept 28th, 2007 has requested the revocation of switching-off fine charged by KEK Sh.A. since she has been switched-off with no prior warning.
2. In Oct. 11th, 2007, KEK Sh.A Supply Division- Customer Department has replied to the customer by refusing her under the justification that in Sept 27th, 2007 due to a debt of 374.70 € it has been switched off of the electrical network and accordingly has been charged with the fine of 100.00 € plus VAT, totaling to 115.00 € KEK Sh.A has informed the customer for her rights to appeal its reply to ERO.

3. The customer has appealed KEK Sh.A's – Supply Division-Customers Department's reply dated Oct. 11th, 2007 to ERO CPD relative to the switching off fine that KEK SH.A has charged at the amount of 115.00 €
4. The customer in its request has requested the revocation of the switching off fine that KEK Sh.A has charged since KEK Sh.A has in fact switched her off without prior warning.
5. ERO CPD upon analyzing and reviewing the documents provided by KEK Sh.A. and the customer, has proposed ERO Board to refuse the customer's appeal no. 123/10 2007 due to the following reasons:
 - 5.1 In June 4th, 2007 KEK Sh.A has informed the customer through Switching-Off notification about the debt that the customer has to KEK Sh.A. pursuant to sec. 16.1 a) of the Rule on Switching off and re-switching of the customers in the Energy Sector of Kosova, where the customer's debt until that time has been 409.15 € Switching off notification has charged the customer (total debt) at the amount of 10.00 € plus VAT, totaling to 11.50 €
 - 5.2 In Sept. 26th, 2007, KEK Sh.A.'s authorized team of Prishtina District has been on site, has compiled the Record no. 027039 and has ascertained the following status: *"The customer has been switched off due to the debt owed to KEK Sh.A where the customer's obligatory debt has been 366.51 €. A trainee has been present during the process and a copy of the record has been left to the customer, sealed under no 10015949"*.
 - 5.3 In Sept. 27th, 2007, KEK Sh.A workers pursuant to the switch-off warrant have switched-off of the electricity network the customer due to failure of paying the debt owed to KEK, based on Sec. 6.1 of the Rule on Switching-off and Re-switching of the Customers in the Energy Sector of Kosova, and the controlling team has further placed the seal with no: 10015949. The switch-off has charged the customer (total debt) with the amount of 100.00€ plus VAT, all of it totaling 115.00 € The fine is administered based on the annex of the Rule on Switching-off and Re-switching of the Customers in the Energy Sector of Kosova
 - 5.4 After this the customer in Sept 28th, 2007 has addressed KEK Sh.A- Supply Division- Customers department with an appeal relative to switching-off.
 - 5.5 KEK Sh.A- Supply Division-Customer's Department in Oct. 11th, 2007 with ref. no. DPR – CO1 – 11 has replied to the customer and has refused her stating that: *"in Sept. 27th, 2007, due to the customer's debt of 374.70 €, the technical team has been ordered to switch off the customer in question from the electrical network and that order has been carried out in the same day and the respective meter has been sealed under no. 10015949 and for this service the amount of 100.00 € plus VAT, totaling 115.00€ has been calculated. The customer should be switched off since this date and further"*

- 5.6 ERO CPD in Nov. 2007 has been addressed with an additional explanation by KEK Sh.A. regarding the switching-off of the customer that has been carried out in Sept. 26th, 2007 pursuant to record no. 027039 of the same date, and in the switching-off warning appears the date Sept 27th, 2007.
 - 5.7 KEK Sh.A in Nov. 29th, 2007 has replied to the customer regarding the additional explanation to the switching off. KEK Sh.A in its reply has emphasized that: “in Oct 26th, 2007, due to the mentioned customer’s debt of 374.70 €, *it has been given the switch-off order from the electrical network, which has been carried out, and the meter has been sealed with no. 10015949. for this service the amount of 100.00 € plus VAT, totaling 115.00€ has been calculated. The customer should be switched off since this date and further. The reason why in the switch-off order(for the switch-off service) has been registered the date Sept. 27th, 2007 is because in Sept 26th due to the technical reasons we could not register it pursuant to the completed order, but that has been done in the next day, namely in Sept 27th, 2007*”.
 - 5.8 In the customer’s card (customer’s transactions) it is evident that the customer has not paid the electrical energy as specified in the switch-off notification, yet after switch-off notification from KEK Sh.A. the mentioned customer has made a payment of 76.00 € in 03.09.2007, but then again it did not pay the whole debt to KEK Sh.A. and for this KEK Sh.A has switched off the customer.
 - 5.9 KEK Sh.A has applied all the procedures foreseen pursuant to Rule on Switching-off and Re-switching of the customers in the Energy Sector of Kosova, namely it has initially notified the customer about the debt that the customer has to KEK Sh.A and after this, since the obligations towards KEK have not been conciliated again, the customer has been switched off of electrical network.
 - 5.10 ERO CPD after evaluation of the customer’s appeal addressed to ERO, KEK Sh.A reply to the customer, analyzing the submitted evidences and based on the prevailing legal framework in Kosova, ascertains that KEK Sh.A has applied all the procedures foreseen under Rule on Switching-off and Re-switching of Customers in the Energy Sector in Kosova therefore based on the above mentioned, ERO CPD **refuses** the customer’s claim as being unfounded.
6. In Jan.14th, 2007, the ERO Board has held a meeting and reviewed all the submitted documents and has further decided **to refuse** the customer’s appeal due to the reasons provided under count 5 of this decision.

Legal Advise: Against this decision, the customer has the right to initiate a court hearing in the competent court in Prishtina within fourteen (14) days since the day of obtaining this decision.



Chairman of ERO Board

Board Members:
