



Rr. Hamdi Mramori Nr. 1

Prishtinë – Kosovë 10 000

Tel: + 381 38 247 615 103

Fax: +381 (0) 38 247 620

e-mail: info@ero-ks.org

www.ero-ks.org

**Prishtinë: 14.01.2008**

**ERO Code: D\_084\_2008**

**Reference No: ERO/CPD\_R\_63\_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. Law no. 02/L-47 on Radio Television of Kosova
5. Customer's appeal addressed to ERO CPD dated in Sept. 9<sup>th</sup>, 2007 under bookkeeping no: 116/09 2007;
6. Record of the meter installation process dated April 26<sup>th</sup>, 2005;
7. Record no. 003026 dated Sept 4<sup>th</sup>, 2007
8. KEK Sh.A Reply with the reference no: DPR – CO1 – 12;
9. KEK Sh.A Reply with the reference no: DPR – CO1 – 01;
10. Switching off notification dated Aug. 18<sup>th</sup>, 2007;
11. Switching-off order dated Oct. 3rd, 2006;
12. Sec. 18 of the Rule on Dispute Settlement in the Energy Sector;

**In their session convened in Jan. 14<sup>th</sup>, 2008 adopted this:**

## DECISION

The claim of the customer Qerim Ademi, Agricultural cooperation company “TEUTA” (commercial customer – 7/01, customer code DPR - 90039267) is **REFUSED** due to the reasons provided with the justification of this decision.

### Justification

1. The customer in its appeal has requested the revocation of the switching-off fine, switching-off notification as well as public transmitter tax (RTK).
2. KEK Sh.A-has replied to the customer regarding the customer’s appeal dated Oct. 10<sup>th</sup>,2006 where in the KEK Sh.A \_Supply Division\_Customers Department’s reply (hereinafter KEK SDCD), the customer is refused under the justification that pursuant to administrative order “ every house, business, enterprise or other institution in Kosova is obliged by the law to pay for the public transmitter (RTK)”.
3. KEK Sh.A. has replied to the customer’s appeal dated Jan.22<sup>nd</sup>, 2007, where in the KEK SDCD’s reply, the customer is refused with the justification that” *This customer has been switched off of the network in Oct 3<sup>rd</sup>, 2006 due to the debt not paid during several obligatory period of electrical-energetic agreement and for the monthly tax for public emission as well as for spending the invoiced electrical energy. In KEK Sh.A’s reply is also stated that based on UNMIK Administrative Order 2002/12 “every house, business, enterprise or other institution in Kosova is obliged by the law to pay for the public transmitter (RTK). In the end of the KEK Sh.A.’s reply is noted that the first invoice is for the meter registration service”.*
4. The customer has addressed the ERO CPD with an appeal in which he disputes the switching-off notification, switching-off and the RTK prepayment. In his request the customer requests that the switching-off fine and the public transmitter’s tax be revoked.
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. 116/10 2007 due to the following reasons:
  - 5.1 In Aug 18<sup>th</sup>, 2006 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 214.15 € Switching off notification has charged the customer (total debt) at the amount of 10.00 €plus VAT, totaling to 11.50 €

- 5.2 In Oct.3<sup>rd</sup>, 2006 since the customer did not meet the requirements provided under switching off notification KEK Sh.A.'s authorized team pursuant to Switching-off order has switched the customer off of the electrical network, following sec. 61 of the Rule on Switching off and re-switching of the customers in the Energy Sector of Kosova. The switch-off has charged the customer (total debt) with the amount of 100.00€plus VAT, all of it totaling 115.00 €
- 5.4 The RTK prepayment tax is based on Law. 02/L-47 for the Radio Television of Kosova , and its provisions state that:
- ✓ Based on Sec. 20.4 of the Law no. 02/L-47 on Radio Television of Kosova all the physical and legal entities in the territory of Kosova are obliged to pay the prepayment for the public transmitter. As such subjects will be considered all units that have an electricity bill or any other public invoice.
  - ✓ Pursuant to sec. 20.3 and 20.9 of the Law no. 02/L-47, released from the aforementioned obligation are only the inhabitants of the settlements in Kosova where there is no qualitative land line television signal in place, as well as the families that are enlisted in the list of Ministry of Labor and Social Welfare as a particular category including those under social assistance.
- 5.8 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 as well as Law no. 02/L-47 on Radio Television of Kosova, therefore based on the above mentioned, ERO CPD **refuses** the customer's claim as being unfounded.
6. In Jan. 14<sup>th</sup>, 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:**

---

---

---