



### Board of the Energy Regulatory Office

Taking into account

1. Competences granted to the Energy Regulatory Office under Sec. 17 of the Law on Energy Regulator;
2. Provisions pursuant to Chapter 3, Sec. 16 of the Rule on Dispute Settlement in the Energy Sector;
3. Evidence and procedures submitted by the parties;
4. Recommendation of ERO CPD: ERO/CPD\_R\_95\_06\_08; and
5. Section 18 of the Rule on Dispute Settlement in the Energy Sector.

In its session held in August 15th, 2008 issued this:

#### DECISION

The appeal of the customer Tafil Naziri, owner of "Insurance Company" (customer's KEK code: DPR – 90041593) in Drenas is **ACCEPTED** due to the reasons set forth in the justification of this decision.

#### Justification

The customer in its complaint addressed to ERO CPD dated May 21<sup>st</sup>, 2007 has appealed the KEK JSC Customer Department dated May 6<sup>th</sup>, 2008, regarding the disputed KEK charges to the Customer for the month of December 2007.

- For the month of December 2007 the customer was charged by KEK amount of €343.42 expressed in financial terms or 4680 kWh as monthly consumption.

**Evidence:** Customer's transactions

- On January 26<sup>th</sup>, 2008 KEK's Network Division replaced metering device by means of a report on the replacement and removal of the metering device no. 001638 by means of which digital metering device no. 20042 was removed and metering device No. 4939877 installed.

**Evidence:** Report on the replacement and removal of metering device no. 001638

- On March 31<sup>st</sup>, 2008 KEK Calibration Center examined metering device by means of the Protocol on examining metering device no. 1694 which stated that the metering device is within allowed metering limits.

**Evidence:** Protocol on examining KEK's metering device no. 1694



- On April 14<sup>th</sup>, 2008 the customer submitted his complaint to the KEK Customer Department, disputing the charge for December 2007.

**Evidence:** The bill and Customer's complaint to KEK

- On May 6<sup>th</sup>, 2008 KEK Customer Department replied to the customer refusing him with reference to the Protocol of Calibration Center.

**Evidence:** KEK's reply dated May 6<sup>th</sup>, 2008.

- On May 8<sup>th</sup>, 2008 the customer appealed KEK's reply in ERO CPD.

**Evidence:** Customer's complaint in ERO CPD.

- After examining evidence and analyzing it, ERO CPD decided to send the customer's file back to KEK for reconsideration on grounds that some elements present needed to be analyzed and examined further.
- KEK's Committee, composed of competent staff of network operator and public supplier, found no technical grounds on which to accept customer's complaint.

After analyzing all evidence submitted by KEK and customer, ERO CPD noted that:

- ✓ The report on the replacement of metering device at the area of the old digital metering device indicated that the situation of the metering device had been read: high and low tariff, while remarking that the metering device had no tariff hour, and that consumption included both tariffs.

**Evidence:** Report on the replacement and removal of metering device no. 001636.

- ✓ The average consumption of electric energy by the customer from the moment metering device was installed (01/2006) to the month of November 2007 was 188 kWh, whereas the overall consumption amount for the period of 01/2006 to 11/2007 was 4323 kWh.

**Evidence:** Flow of active energy

- ✓ The bill of December 2007 indicates that the second tariff all at once registered 4332 kWh, whereas the overall electric energy consumption from the moment metering device was installed to the month of December 2007 registered 4323 kWh.

**Evidence:** Flow of active energy

- ✓ The flow of active energy indicates that the low tariff of metering device was never functional; from the start all it recorded was 0 kWh.

**Evidence:** Flow of active energy

- ✓ Analysis of the flow of active energy indicated that the customer's low tariff had been approximated with the high tariff thus registering an enormous amount of kilowatts.



- ✓ Customer's metering device has been regularly read.

**Evidence:** Flow of active energy

Following analyses undertaken, CPD recommends ERO Board **to accept** customer's complaint.

ERO Board has reviewed all the submitted documents and has decided to accept the customer's complaints due to the reasons presented in the ERO CPD recommendation. Pursuant to this decision, KEK is obliged to:

1. To relieve the customer from the bill of December 2007.
2. For December 2007 charge the customer with an average electric energy consumption of winter season.

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

ERO Board:

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Ali Hamiti, Chairman

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Theranda Beqiri, Member

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Nysret Avdiu, Member