



Prishtinë: 05.Nov.2008

ERO Code: V_126_2008

Reference no: ZRRE/DMK_V_126_10_08

Board of the Energy Regulator

Taking into account the:

1. Competences of the Energy Regulatory Office granted 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. Evidences and procedures prepared by the parties;
4. ERO CPD Decision : ZRRE/DMK_V_126_10_08 dated 10.10.2008;
5. Submission of the customer's refusal to CPD Decision addressed to ERO Board in 23.10.2008
6. Sec.18 of the Rule on Dispute Settlement in the Energy Sector;

In its session held in Nov.4th, 2008 issued this:

DECISION

The appeal of the customer Fazli Haziri (customer code DPR – 49527) from Albana e madhe, against the CPD Decision is **PARTLY ACCEPTED** due to the reasons presented in the justification of this Decision.

Justification

1. The customer in his appeal addressed to ERO Board has appealed the ERO CPD Decision no. **ZRRE/DMK_V_126_10_08 (attached)**.
2. By analyzing the justification submitted in the CPD decision and in the processes submitted by KEK and the party has been noticed a procedural breach relative to this case:
 - In the check-up record of the KEK team no. 0104976 dated 04 Jan. 2008 has been emphasized that the distributive seal is in order implying that KEK workers while putting the seal on, did not actually check the technical status of the meter. Furthermore the check-up team in 04 Jan. 2008 has found out that the bridges of



meter have been moved in the phases “S” and “T”, although the meter has been sealed with distributive seal.

2. By analyzing the consumption of the customer it is evident that his consumption has significantly decreased in 2007 compared to the previous year 2006 and the following 2008, and this matches the ascertainment of the KEK check-up team that the bridges of the meter have been moved and consequently the meter has registered only 1/3 of the consumed energy.

ERO Board taking into account the justification presented in the CPD decision pursuant to count 1, KEK procedural failures pursuant to count 2, registered consumption pursuant to count 3, and taking into account that the starting of unauthorized consumption (moving of bridges) may not be accurately determined; decided to **partly accept** the customer’s complaint thus not releasing him from the responsibility of unauthorized energy usage, but it implies that the calculation of unauthorized consumption should be done only for **6 months** since the date when the check-up team has performed the check of measuring point.

Following this decision KEK is obliged to discharge the customer of the bill DPR08HP04387 and charge the customer for unauthorized usage for 6 months pursuant to this decision.

Legal remedy: Against this decision the party may initiate a court hearing before the competent court in Prishtina within (14) days since the date of receiving of this decision or publication of this decision in out electronic web-page, whichever happens first.

ERO Board

Dr. Ali Hamiti, Chairman

Dr. Nysret Avdiu, member

Theranda Beqiri, member