



Prishtinë: 14.01.2008
ERO Code: D_082_2008
Reference No: ERO/CPD_R_61_12_2007

Board of the Energy Regulatory Office

Taking into account:

1. Competences of the Energy Regulatory Office granted 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. KEK reply date Sept 21st, 2007 with reference no. DPR – CO1 – 4 to the customer's complaint on being relieved from RTK prepayment;
4. Complaint made by the abovementioned customer to ERO CPD;
5. Law no. Nr. 02/L-47 for Radio television of Kosova;
6. Sec. 18 of Rule on Dispute settlement procedures in the Energy Sector;

In the meeting held in January 14th, 2008 adopted this:

DECISION

The appeal of customer Naim Istrefi (commercial customer 7/01, customer code DMI – 9012405) is REFUSED following justification of this decision.

Justification

1. The customer in his appeal dated June 21st 2007 has requested not to pay tax due for the public television (RTK).
2. In July 9th, 2007 KEK Sh.A. Supply Division-Customer's Department has replied to the customer by refusing him because based on the agreement Government-KEK Sh.A. we do not have grounds to reduce the tax for public television, KEK Sh.A. has also informed the customer about his rights to appeal KEK Sh.A.'s reply before ERO.
3. The customer has appealed KEK Sh.A. Reply –Supply Division-Customer's Department to ERO CPD regarding the tax on public television (RTK).
4. The customer in his request has asked not to pay the tax for public television (RTK)
5. ERO CPD while analyzing and revision of the offered documentation by KEK Sh.A. and by Customer, has proposed ERO Board to refuse the customer's complaint no: 121/10 2007 due to the following reasons:
 - 5.1 Based on Sec.20.4 of the Law no. 02/L-47 on Radio Television of Kosova, all physical and legal entities in the territory of Kosova are obliged to pay

prepayment for the public transmitter. All units that have an electricity bill or any other public utility bills will be considered eligible to pay.

- 5.3 Pursuant to sec. 20.3 and 20.9 of the Law no. 02/L-47 exempt from the mentioned obligation are the inhabitants or parts of Kosova that fail to receive quality television land line signal, as well as families that are enlisted in the List of the Ministry of Labor and Social welfare as a particular category including those under social assistance.

- 5.3 ERO CPD while assessing the customer's complaint addressed to ERO, KEK reply to the customers and based on the Applicable Legislation in Kosova, asserts that KEK reply to the customer is in conformity with the prevailing legislation because : the customer Naim Istrefi did not fulfill the terms of sec . 20.3 and 20.9 of the Law no. 02/L-47 for Radio Television of Kosova therefore refuses the customers complaint as ungrounded.

6. In Jan. 14th, 2007, The ERO Board has held the session and revised all the presented documents and has decided to refuse the customer's complaint due to the reasons presented in item 5 of this decision.

Legal Advise: Against this Decision, the customer may initiate court procedure before the Competent Court of Prishtina fourteen (14) days since the receiving of decision.

Board Chairman

Board Members:
