



Pristina: 25.11.2016
ERO Code: V_868_2016

The Board of Energy Regulatory Office

Based on:

- Article 8, paragraph 1, subparagraph 1.6, Article 14, paragraph 2, subparagraph 2.14 of Law on Energy Regulator (No. 03/L-185);
- Articles 17 and 18 of Rule on Resolution of Complaints and Disputes in Energy Sector;
- Evidence submitted by parties;
- ERO CPD Recommendation: **ZRRE/DMK_R_1541_11_2016**;

In its session held on 25.11.2016 issued the following:

DECISION

- I The complaint of DH "Termokos", submitted by the complainant Naim Bytyqi from Pristina, code **DPR – 90027212**, is hereby **APPROVED** based on the justifications presented in Reasoning of this Decision.
- II Hereby, KESCO is obliged to discharge the code **DPR – 90027212** from the corrections with no. 85311DPR-90027212 and no. 85312DPR-90027212, dated on 29.04.2016, in an amount of **203,492.05€**

REASONING

On 01.08.2016, Naim Bytyqi, the authorized representative of the the public enterprise "TERMOKOS"- District Heating, submitted a complaint which contradicted the response of Customer Department in KESCO, regarding the extra charge by KESCO, in an amount of **203,492.05€**, with the justification that currents connection in electric meter were incorrect and as a result electricity metering was not accurate and following the repair of these connections, the extra charge was carried out for 12 months, based on Article 4.11.1 of DSO Metering Code.

ERO Board, with the aim of verifying the actual situation which was initiated by disputed parties, regarding the abovementioned metering point, has reviewed and analyzed in details all evidence collected for actions undertaken by disputed parties with respect to this metering point.

On 22.11.2009, KEK's authorized employees carried out the inspection of the metering point, where they dismantled the metering group no. 862802, state of active electric meter HV=1406.54 kWh and LV=9736.49 kWh and state of reactive meter HV=6140.08 kVAr and LV=7551.53 kVAr and set for measurement the metering group no. 96220756 with the state of active electric meter HV=00000 kWh and LV=00000 kWh and the state of reactive meter HV=00000 kVAr and LV=00000 kVAr. **Evidence:** Minutes of fitting and dismantling of metering group on control-receipt of metering group no. 0465, dated on 22.11.2009.



On 25.01.2016, KEDS authorized employees inspected the metering group of the customer no. 96220756, where except the recording of technical data of the metering point, they concluded that there was intervention in the currents order: I1 – I3, I3 – I2, and I2 – I1 and there was also intervention in the change of current's direction. KEDS authorized employees also emphasized that the metering point shall be monitored and controlled after a certain period of time.
Evidence: Report on controlling-receipt of metering group no. 029190, dated on 25.01.2016.

On 10.03.2016, KEDS authorized employees inspected the metering group of customer no. 96220756, where except recording of technical data of the metering point, also concluded that according to amounts measured with Zëra equipment, the metering of electricity is correct.
Evidence: Report on controlling-receipt of metering group no. 045543, dated on 10.03.2016

On 29.04.2016, KESCO's Billing Department, through permit no. 85311DPR-90027212 and no. 85312DPR-90027212 charged the customer with an extra charge of 147,145.34€ and 56,346.71€ based on KEDS minutes no. 029190, since the current has been in a opposite direction and there has occurred a mixture of currents and voltages, whereby derives $K=1.762$ or correction factor $Y=0.762$, and this charge is carried out for 1 (one) year period.
Evidence: Corrections no. 85311DPR-90027212 and no. 85312DPR-90027212, dated on 29.04.2016.

On 14.07.2016, the customer submitted a complaint at KESCO, contradicting the extra charge by KESCO, dated on 29.04.2016, in an amount of €203,492.05. The customer emphasized in its complaint that the metering group is a property of KEDS and it is installed in KEDS property and maintenance and meter reading is carried out by KEDS, therefore DH "TERMOKOS" does not have access in the facility where the electric meter is placed. Following this, the customer emphasized that DH "TERMOKOS" was not informed for the reading error and they were informed on this issue after the complaint for the bill 02/2016.

Evidence: Customer's complaint at KESCO, dated on 14.07.2016.

On 04.08.2016, KESCO's Customer Department replied to the customer, refusing its request with the justification that based on minutes no. 029190, dated on 25.01.2016, was concluded that connection of currents in electric meter were incorrect and therefore electricity metering was not accurate, and following the regulation of the connections, an extra charge for the last 12 months took place, in accordance with applicable legislation, namely 4.11.1 of DSO Metering Code.
Evidence: Response of KESCO's Customer Department dated on 04.08.2016.

Following the analysis of minutes no. 0465, dated on 22.11.2009, ERO Board concluded that based on the data recorded in the minutes, it is ascertained that KEK's employees carried out all required measurements, foreseen by Metering Code, and there were no changes in measurement.

Also, in the minutes no. 029190, dated on 25.01.2016, except abovementioned conclusions, the reason for changing the current directions was not recorded, namely, the problems presented before the change of connections, taking into account that the reading of metering point from the beginning/period 11/2009, was carried out from the distance with AMR, and all expenses are registered and monitored in real time. Also, ERO notices that customer metering group is placed in KEDS property, namely **TS 35/10Kv, PR3**, therefore the customer does not have access in the metering group to make the changes presented by KEDS employees, which resulted with the charged correction.

The Board also analyzed the general electricity flow and concluded that the customer has high fluctuations for different periods of time. According to conducted analysis, regarding the electricity consumption before and after the intervention of KEK and KEDS teams, it is concluded that the customer has big differences in electricity consumption for the same periods of time. Regarding the



period after the change of connections from KEDS teams 01/2016-09/2016, the monthly average of electricity consumption is 216,907 kWh (active) whereas for the same period before the intervention 01/2015-09/2015 is 191,927 kWh(active), as well as for the period before the intervention of KEK teams, the period 11/2002-11/2009 is 278,566 kWh(active). According to submitted data, it is noticed that the comparison of expenses for the period 01/2016-09/2016 with the periods 01/2015-09/2015 and 11/2002-11/2009 confirms the fluctuations of electricity consumption, which expressed in percentage, in the first case results with an increase of consumption for 13.8% whereas in the second case there is a decrease of 28.43%.

The Board has also reviewed the correction no. 85311DPR-90027212 and nr. 85312DPR-90027212, dated on 29.04.2016, carried out by KESCO's Billing Department, which was based on article 4.11.1 of DSO Metering Code, and concluded that this does not stand since Article 4.11.1 stipulates the cases when the electric meter is technically incorrect, stating that: "Following the testing of metering equipment and after the limit of inaccuracy is confirmed, the report for the status and the tested values of the electric meter is compiled. Regardless if the error is in plus or minus and exceeds 3 times the value of accuracy (e.x for the direct meters, the state of accuracy is 2.0, the allowed limit would be 6.0%), then re-calculation of energy is made and the correction of billing for 12 (twelve) last months, namely 6 (six) last months for household customers takes place. When the controlling meter is placed and when it is confirmed that the difference in reading is 1.5 times higher, then it is acted in accordance with what was stated above. Also, the value of corrections cannot represent a real expense since we have an increase of 76% of the values of corrected bills, which does not compile with real expenses of the customer.

Also, based on Metering Code, namely Article 3.9.4 and 3.9.5 (Electric Meter Testing with Portable Equipment) as well as 4.3.2, DSO obligations regarding the inspection and testing of electric meters within certain periods of time as well as responsibilities on the operation and maintenance of electric meters are clearly stipulated. Article 3.9.4 states that : "Multifunctional indirect meters which are connected through TMRR and TMT are required to be tested at least once in a year, or upon receipt of complaint to be tested in the shortest possible time", whereas Article 3.9.5 states that: Common testing in the presence of customer's representative, especially TMRR, TMT, Maximal Demand Meters (the so called multifunctional GM) shall be carried out in annual basis, or every six months, depending on the case, which in the case of the customer DH "TERMOKOS", neither case was respected, whereas in Article 4.3.2 is stated that: " The operation and maintenance of the electric meter system includes the instalment conducted based on required standards, regular maintenance, TMRR and TMT controlling, and other meters, instalment of conductors, terminals, proper extension of cables, protection, cleaning and state of connections of meter boxes, state of seals, regular daily meter reading as well as data extraction from the reading equipment, from Data Collection Centre, and paying attention to any eventual failure of electric meters system. Based on documentation provided by KEDS, it is concluded that Articles 3.9.4 and 3.9.5 were respected by KEK and KEDS for the period 11/2009 up to the period 01/2016, since no document was provided to prove the periodic review of the customer metering group whereas Article 4.3.2 proves the obligation of DSO towards the metering group no. 96220756 , especially knowing the fact that the meter is within TS which is under KEDS ownership. Also, in Article 54 paragraph 1 (earlier Article 32) of Law on Electricity is stated that "Metering equipment for measurement of electricity are a property of Transmission System Operator and Distribution System Operator", as stipulated in Law on Energy, therefore taking into account the fact that the meter and connections were carried out by KEDS team, on 22.11.2009, confirms that the customer did not have access in the intervention of electric meter measurement."



ERO Board, in its session held on 25.11.2016, concluded that taking into account the abovementioned facts, fitting and dismantling minutes of the metering group on control-receipt of metering group no. 0465, dated on 22.11.2009, report on controlling-receipt of metering group no. 029190, dated on 25.01.2016, noncompliance with Articles 3.9.4 and 3.9.5 of Metering Code regarding the inspection and testing of multifunctional metering equipment (GP) within a certain period of time, Article 4.3.2 of Metering Code which stipulates the obligations on the operation and maintenance of electric meters as well as Article 54, paragraph 1 of Law on Electricity, has decided as in the enacting clause of this Decision.

- III. The Decision shall be issued in Albanian language and translated into Serbian and English language. In case of any discrepancy between the versions, the Albanian version shall prevail.
- IV. The Decision shall enter into force on the date of approval by the Board and shall be published on ERO's official website.

Legal advice: The party dissatisfied with this Decision may initiate an administrative dispute at the Competent Court within thirty (30) days from the date of receipt of this Decision or its publication on ERO's website, whichever occurs last.

ERO Board:

Krenar Bujupi, Acting Chairman

Arsim Janova, Member

Besim Sejfiqaj, Member

This Decision is sent to:

- The customer, Naim Bytyqi – authorized representative, DH "TERMOKOS",
- KESCO, and
- ERO Archive