



ZYRA E RREGULLATORIT PËR ENERGJI  
REGULATORNI URED ZA ENERGIJU  
ENERGY REGULATORY OFFICE

## **RULE ON DISCONNECTION AND RECONNECTION OF CUSTOMERS IN ENERGY SECTOR**

Prishtina, August 2011



Pursuant to the authority given under Article 14 paragraph 2 subparagraph 2.13 and Article 53 of the Law No.03/L-185 on Energy Regulator, **the Board of the Energy Regulatory Office** on a session held on 31.08.2011 has adopted the:

## **RULE ON DISCONNECTION AND RECONNECTION OF CUSTOMERS IN ENERGY SECTOR**

### **CHAPTER I GENERAL PROVISIONS**

#### Article 1

##### **Purpose**

The purpose of the Rule is to define the terms, conditions and procedures regarding the disconnection and reconnection of customers in the energy sector. Rule sets the criteria by which the energy company can disconnect and reconnect consumers in the energy and sets standards, principles and procedures applicable in relation to disconnection and reconnection to the network.

#### Article 2

##### **Scope**

1. Scope of this rule is to establish general principles, in order to:
  - 1.1. ensure the transparent and non-discriminatory performance of disconnection and reconnection by energy enterprises;
  - 1.2. protect customers through promoting transparent and open access to information regarding disconnection and reconnection to the networks; and
  - 1.3. ensure the equal and non-discriminatory treatment of all customers in Kosovo with respect to their rights and obligations regarding disconnection and reconnection.
2. Natural gas and issues related to natural gas supply services are not covered by this rule.

#### Article 3

##### **Definitions**

1. The terms used in this Rule shall have the following meaning:
  - 1.1. **“Household Customer”** - customers purchasing energy for their own household consumption, excluding commercial or professional activities.
  - 1.2. **“Non-household Customer”** - any natural or legal person purchasing energy which is not for their own household use, and shall include producers and wholesale customers.



- 1.3. **“Warning notice”** - the notification, containing provisions in accordance with Article 15 of this Rule that an energy enterprise (Supplier) gives to the customer, prior to the issuance of a disconnection notice, granting him a reasonable time to correct or dispute the reasons for the disconnection.
  - 1.4. **“Disconnection Notice”** - the written notification containing provisions in accordance to Article 16 of this Rule that an energy enterprise (Supplier) gives to the customer prior to disconnection.
  - 1.5. **“Disconnection”** - the discontinuation of a physical link between the premises of a customer and a transmission or distribution network where that discontinuation is executed by Transmission or Distribution System Operator on request of Supplier or for safety reasons or for the protection of assets.
  - 1.6. **“Energy”** - any form of produced or obtained energy (electricity, heat or natural gas) intended for supply or sale;
  - 1.7. **“Energy enterprise”** – a person or undertaking that is lawfully performing one or more energy activities and is responsible for the commercial, technical and/or maintenance tasks related to activities (but not including final customers).
  - 1.8. **“Energy Service”** – service with produced or obtained energy intended for supply or sale.
  - 1.9. **“Network”** – infrastructure necessary for the transmission or distribution of energy (electricity or heat).
  - 1.10. **“Payment Agreement”**- an arrangement between a customer and an energy enterprise (Supplier) for the payment of debt.
  - 1.11. **“Supplier”** means any energy enterprise licensed to perform supply activities.
2. Terms used in this rule have the meanings as terms used in the Law on Energy, Law on Energy Regulator, Law on Electricity, Law on District Heating and other laws and regulations in force.

## **CHAPTER II GENERAL PRINCIPLES**

### Article 4

#### **General principles of Disconnection and Reconnection**

1. This Rule sets forth general principles that the energy enterprise shall apply while disconnecting customers, and lists the reasons and cases when the disconnection is applied. Each energy enterprise is encouraged to develop specific policies for disconnection that treat customers with respect, in a transparent and non-discriminatory manner. Such policies shall be submitted to ERO for review, and approval. In this Rule the Distribution System Operators perform disconnections and reconnections, investigations of connections and unauthorized connections, and removal of equipment. All the other activities which are subject of this Rule shall be performed by Suppliers.
2. Disconnection is an option allowed to an energy enterprise; it is not a requirement placed on the



energy enterprise by ERO. The energy enterprise may choose to impose less restrictive measures upon customers than those set forth in this Rule.

3. The energy enterprise shall endeavour to undertake all necessary steps, including the imposition of charges for disconnection notice, where such charges or other action may eliminate the reasons for disconnection and prevent the disconnection. In the case of non-payment, disconnection is to be used as a last resort where other measures set forth in this Rule and in the Rule on General Conditions of Energy Supply have failed to produce the desired effect.
4. With respect to warning and disconnection notice provisions, this Rule sets forth the minimum requirements that an energy enterprise shall fulfill. The energy enterprise may, at its discretion, provide additional notice to extend the period of time for disconnection.
5. This Rule also sets forth the general criteria by which an energy enterprise reconnects customers subject to disconnection. These criteria prescribe the way customers are connected and reconnected by the energy enterprise once the reasons for their disconnection have been cleared out according to deadlines set forth in Article 25 of this Rule.
6. The energy enterprise is entitled to charge fees for issuance of the disconnection and reconnection notices, and for the disconnection and reconnection of customers, in accordance with Attachment 1: Schedule of Service Charges.
7. The energy enterprise shall nominate and certify their employees that may be vested with authority to connect, disconnect or reconnect customers. No other person, including the other employees of energy enterprises, except those nominated and certified to do so, may do any connection and disconnection or reconnection to energy enterprise network. Nomination and certification of authorized employees shall be done by energy enterprises on a periodical basis and identification cards with the names of authorized employees that are authorized to connect, disconnect or reconnect should be in place where customers can identify the authorized employee. The employment of other persons for connection, disconnection, or reconnection, except those nominated and certified, is considered as an offence and in that case fines will be applied in accordance to this Rule and other applicable Laws.

## **CHAPTER III COMMERCIAL DISCONNECTION**

### Article 5

#### **Disconnection for unauthorized consumption of energy**

1. The energy enterprise may disconnect the customer for unauthorized energy consumption as defined in the Chapter VIII of the Rule on General Conditions of Energy Supply.
2. The energy enterprise may execute actions in response to unauthorized consumption in accordance with the Chapter IV of this Rule as well as the energy enterprises policies and internal procedures approved by ERO.
3. Where a customer's energy supply has been disconnected due to unauthorized energy consumption



and when the same customer has been arbitrarily reconnected without the authorization of the energy enterprise, then such customer shall have the energy supply equipment removed in accordance with the Article 26 of this Rule.

#### Article 6

##### **Disconnection for non-payment of energy**

1. The energy enterprise may disconnect a customer, who fails to meet payment deadlines set in the bill or supply contract, and in accordance with the General Conditions of Energy Supply.
2. In the event the customer presents clear evidence for the payment of bills or installment to the energy enterprise in accordance with the payment agreement, and suspected nonpayment was the reason why the disconnection notice was issued, then the energy enterprise shall not disconnect such customer.

#### Article 7

##### **Disconnection for other commercial reasons**

1. An energy enterprise may disconnect a customer if such customer:
  - 1.1. falls under the category of non-household customer but is registered as a household customer and vice versa;
  - 1.2. has failed to pay a guarantee deposit when required by the energy enterprise, pursuant to requirements set forth in the Rule on General Conditions of Energy Supply;
  - 1.3. is mandated by court order.

#### Article 8

##### **Vulnerable customers**

1. In the event that the relevant ministry provides assistance to an indigent and disadvantaged customer for the purpose of covering in part or in full the debts of such customer against the energy enterprise, the customer is responsible to present proof to the energy enterprise of such assistance. The energy enterprise shall take such assistance into consideration in assessing appropriateness of the disconnection.
2. According to the Article 30 of the Law on Electricity, suppliers shall have the right to arrange to cut off vulnerable customers for non-payment, consistent with customer contracts, the rules issued by the Energy Regulatory Office, and having regard to decisions by the Energy Regulatory Office with regard to avoiding cut-offs during the winter season.



## **CHAPTER IV NON-COMMERCIAL DISCONNECTION**

### Article 9

#### **Disconnection for health and safety reasons**

1. An energy enterprise is entitled to immediately disconnect any customer if such disconnection is necessary to remove an immediate risk to the health and safety of any physical person and / or safety of any property.
2. Such disconnection may be used in the event of any force majeure or any material accident of installations for the generation, transmission or distribution of energy or other possible risks.
3. Upon identifying a health or safety risk, the energy enterprise shall endeavor to notify all affected customers before making the disconnection. In the event that the risk or danger is such that notice is not practicable, the energy enterprise shall inform affected customers as soon as possible upon disconnection and explain the reason and expected duration of the disconnection.
4. The energy enterprise shall, immediately upon addressing or removing the health or safety risks warranting disconnection, reconnect the customer at no cost to the customer, except in the event that such customer is responsible, in part or in full, for creating the dangerous conditions that resulted in the disconnection, in that case energy enterprise shall request compensation from customer.

### Article 10

#### **Disconnection for distress or damage to the network or equipment**

1. The energy enterprise may disconnect the premises of any customer for causing distress or damage to the energy plants, energy network or meter in accordance with the relevant Code, issued by the energy enterprise and approved by ERO.
2. The energy enterprise shall endeavour to inform all affected customers and shall provide the reasons for disconnection under Article 10, paragraph 1 of this rule. Such information shall be provided in writing prior to the disconnection, and where not feasible, such information shall be provided in writing immediately after the disconnection.
3. Such written information shall contain the period of expected disconnection. Such period shall be reasonable and based on the circumstances of the case. If the cause of disconnection is not removed within the period stated in such information, the period may be extended until the completion of the repair. In the event that the period of disconnection must be extended for technical reasons, the customer shall be informed in writing as soon as possible.

### Article 11

#### **Disconnection due to abandonment**

In the event that the energy enterprise identifies a connection no longer in use due to lack of human habitation or significant structural damage that precludes safe habitation, it shall post the



disconnection notice at the physical location of the concerned connection and perform the disconnection.

#### Article 12

##### **Disconnection upon Request**

1. A customer is entitled to request the energy enterprise to disconnect his or her connection to the energy network.
2. In the event that a customer requesting disconnection has failed to settle debts to the energy enterprise in full, the dispositions regarding the disconnection and reconnection charges and fines, as stipulated in Attachment 1 of this Rule.

#### Article 13

##### **Disconnection for other Non-Commercial Reasons**

1. An energy enterprise may disconnect a customer when such customer has refused to grant an authorized representative of the energy enterprise access to property or premises for the purpose of: inspecting and reading meters or metering point, controlling the operation of equipment and any suspected unauthorized consumption of energy.
2. An energy enterprise may disconnect a commercial or industrial customer when such customer has refused to grant an authorized representative of the energy enterprise access to property or premises for the purpose of: inspecting and reading meters or metering point, controlling the operation of equipment and any suspected unauthorized consumption of energy.
3. For the smallest possible group of customers and the shortest possible period of time, the energy enterprise may curtail or suspend distribution of energy in the event of:
  - 3.1. malfunctions at electrical/heat installations;
  - 3.2. extraordinary conditions in the network, power station/district heating station and fuel supply;
  - 3.3. high demand and lack of energy, but only after the energy enterprise has rationed the available energy to the best technical ability subject to approval by ERO; or
  - 3.4. other cases as foreseen in the Grid Code, Distribution Code or other relevant and applicable Codes as the case maybe, approved by ERO.
4. For any instance of discontinuation/restriction of energy supply presented in Article 13, paragraph 3, the energy enterprise shall notify ERO on:
  - 4.1. the number of affected customers,
  - 4.2. period of discontinuation/restriction of supply, and
  - 4.3. actions executed to return of normal supply.



#### Article 14

### **Restrictive Measures of the Government**

The Government may introduce restrictive measures for the supply of energy to customers or may impose special obligations on energy enterprises, pursuant to Article 22 of the Law of Energy and relevant secondary legislation issued by the relevant Ministry.

## **CHAPTER V DISCONNECTION PROCEDURE**

#### Article 15

### **Disconnection Warning Notice**

1. Prior to the disconnection of a customer, in cases listed in Articles 6, 7, 11 and 13 paragraph 1, a warning notice shall be issued separately from a bill for outstanding debt. Such notice shall be issued also e where the reason for disconnection is not non-payment. In cases listed in Article 13, paragraph 2, prior to disconnection no disconnection warning notice shall be issued.
2. The disconnection warning notice shall include a notification on measures that will be undertaken against the customer including disconnection if the customer does not perform actions specified in such warning notice within a defined period of time. That period of time shall not be less than fifteen (15) calendar days from the last date of payment deadline.
3. The warning notice shall also include the right of a customer to dispute the intended disconnection and the deadline for such dispute. The deadline for bringing disputes is set forth in Article 19 and shall be counted from the day when the customer is deemed to have received the notice.
4. The way warning notice shall be delivered is set forth in Article 18.

#### Article 16

### **Disconnection Notice**

1. An energy enterprise must provide, after the deadline for a warning notice set in Article 15, paragraph 2 and taking into account the period for resolution of disputes stipulated in Article 19 setting forth the period, a disconnection notice to the customer prior to disconnection on the grounds of:
  - 1.1. non-payment of an energy bill or installment, as set forth in Article 6;
  - 1.2. failure to pay a guarantee deposit required by energy enterprise in accordance with the Rule on General Conditions of Energy Supply;
2. A disconnection notice is not required in the following circumstances:
  - 2.1. health and safety risks to persons as stipulated in Article 9 of this Rule;
  - 2.2. request of the customer.



- 2.3. unauthorized consumption of energy;
3. In the events of disconnection performed in reference paragraph 2, the justification in writing must be placed in the customer files.
4. After the deadline of the warning notice, the energy enterprise shall deliver to the customer a disconnection notice in writing at least three (3) calendar days prior to the disconnection date stated in the disconnection notice.

#### Article 17

##### **Content of the Disconnection Notice**

1. A disconnection notice shall include the following:
  - 1.1. the name of the customer, code of the customer and the number of the metering point;
  - 1.2. the reason and legal basis for disconnection;
  - 1.3. the address and contact information of the office where the customer may obtain more information and/or demonstrate that the required measures, if any, have been taken;
  - 1.4. an explanation of actions that the customer must undertake to prevent the disconnection;
  - 1.5. the conditions and procedures that the customer shall fulfill to request the reconnection;
  - 1.6. information on the right of the customer to file a complaint against the energy enterprise to avoid or contest termination, in accordance with the Dispute Settlement Procedures in the Energy Sector.

#### Article 18

##### **Method of Delivery and Receipt of Notices**

1. The energy enterprise shall deliver warning and disconnection notice in the following manner:
  - 1.1. personal delivery to the customer asking that the customer sign the records of delivery receipts. Any refusal to sign shall be registered in the records.
  - 1.2. mailed (by registered post) to the customer at the address shown on the records of the energy enterprise; or by

#### Article 19

##### **Dispute and Investigation Prior to the Disconnection**

1. An energy enterprise shall not disconnect a customer who disputes in written form the reasons for disconnection, until the energy enterprise does not review and issues a decision on that dispute. If the customer submits a complaint against that decision to other responsible authorities he will not be disconnected until this responsible authority does not review and issue a decision on that complaint.



2. The energy enterprise and/or ERO shall communicate its decision to the customer within the deadline set forth in Article 9, paragraph 3 of the Rule on Dispute Settlement Procedure in Energy Sector.
3. Depending upon the circumstances the customer may be asked to explain the reasons for the complaint filed and provide any required additional documents.
4. If a bill is the subject of a complaint/dispute, an energy enterprise shall not disconnect the customer on the basis of non-payment of a full amount of a bill unless and until the energy enterprise and ERO has reviewed and made a decision with respect to the accuracy of such bill. Until such review and decision is made, the customer shall be required to pay the part of bill that is uncontested. Part of the uncontested bill will be paid based on the average of bills on three (3) previous months.

#### Article 20

##### **Temporary relief due to Medical Condition of the Customer**

1. The energy enterprise shall postpone the disconnection of service not more than thirty (30) calendar days, if, prior to the disconnection date specified on the disconnection notice, the customer provides to the energy enterprise a medical statement from a licensed physician or public health official certifying that disconnection would be a serious and immediate threat to the health or safety of a designated person or to members of his/her family in the household of the customer.

#### Article 21

##### **Disconnection during Extreme Weather**

1. If a disconnection of energy supply puts at risk the life or health of any customer due to low temperatures the energy enterprise of district heating shall not execute disconnection actions, during extreme cold weather in winter when:
  - 1.1. the previous day's highest temperature did not exceed -3 degrees Celsius, and/or
  - 1.2. meteorological reports predict that the weather will remain at or below 3 o Celsius degrees for the next 24 hours,

#### Article 22

##### **Execution of Disconnection**

1. The disconnection for non-payment of bills of energy consumption for individual customers shall be executed by at least two (2) authorized employees of the energy enterprise during working days, but cannot occur the day before or on the day of an official holiday or on a Saturday or Sunday.
2. Disconnections for unauthorized consumption of energy may be executed any time by at least two (2) authorized employees of the energy enterprise.
3. Immediately upon effecting a disconnection, the employee of the energy enterprise shall submit to



the customer a Table on Fees presented in attachment 1 of this rule.

4. In the event that the energy enterprise is physically precluded from gaining access to premises where a disconnection is to take place, the energy enterprise may request the help of law enforcement authorities to execute the disconnection. With regard to this the energy enterprise may file a report of the incident to the competent court.

#### Article 23

#### **Disconnection from Transmission System Operator**

If the supplier shall issue an order for the disconnection of a customer connected to the transmission network, then the Transmission System Operator is required to disconnect such customer due to non-payment or unauthorized consumption of energy, in accordance with the procedures set forth in this Rule.

#### Article 24

#### **Language of Notices and other Written Communication\**

Unless otherwise set forth by specific written agreement, such as pursuant to a customer contract, all disconnection and warning notices and other written communications with customers concerning service by the energy enterprise shall be written in the native language of the customer (in a clear, concise, and easily understandable manner.

### **CHAPTER VI RECONNECTION**

#### Article 25

#### **Time limits and conditions for reconnection**

1. An energy enterprise shall reconnect the premises of a customer not later than one (1) working day after the reason for disconnection has been resolved, including where the customer has paid the full amount of his bill in accordance with the General Conditions of Energy Supply, has signed a payment agreement with energy enterprise, or performed the required action that was a cause of the disconnection.
2. If the customer has submitted a complaint in writing to the energy enterprise, disputing the reasons for disconnection, then the energy enterprise shall reconnect the customer within the shortest term possible and no later than 24 hours after the disconnection was effected.
3. If the customer has submitted a dispute in writing against an energy enterprise decision, disputing the reasons for disconnection, then the energy enterprise shall reconnect the customer within the shortest term possible and no later than 24 hours until the decision from the responsible authority.
4. Any unregistered customer who has been disconnected from the network because of being connected to the network without the consent of the system operator or energy supplier shall be reconnected in the network only after the unregistered customer has fulfilled the following conditions:



- 4.1. applies for connection in accordance with Article 8 of the Rule on General Conditions of Energy Supply,
  - 4.2. signs the agreement for connection in accordance with Article 11 of the Rule on General Conditions of Energy Supply, including fees for connection;
  - 4.3. pays for the amount of energy consumed in unauthorized manner, in accordance with Chapter VIII of the Rule on General Conditions of Energy Supply. The energy enterprise may sign a customer agreement for payment of energy in installments;
  - 4.4. signs a supply contract with the supplier.
5. Any unregistered customer will not be able to submit an appeal to the energy enterprise, without fulfilling the conditions of Article 25, paragraph 4 of this Rule, even if he has filed a complaint to another authority.

#### Article 26

##### **Removal of equipment for supply of energy**

1. Removal of the equipment for supply of energy that belongs to the energy enterprise may be done in the circumstances set forth in Articles 5, paragraph 3 and Article 25, paragraph 4 of this Rule.
2. Before physically removing any service equipment, the energy enterprise shall make an inventory of all assets that are to be removed, and shall make a record of the condition and any damage caused by non-prudent use to such assets by the customer. The record shall be kept for at least five (5) years.
3. If the energy enterprise is physically prevented from removing service equipment, then it shall request the support of law enforcement bodies to execute such action.

#### Article 27

##### **Refusal of Reconnection**

1. In the event of repeated action resulting in the disconnection in accordance with Article 5 paragraph 4, an energy enterprise may refuse to reconnect such customer. In such a case, the energy enterprise is entitled to remove the equipment for supply of energy to the customer pursuant to Article 26 of this rule.
2. A refusal of supply must be justified in writing with information about the legal and administrative measures available to the customer to dispute such a decision.

#### Article 28

##### **Compensation of customers**

1. In the event that a supplier fails to follow the disconnection procedures established in the Rule on Disconnection and Reconnection of Customers in Energy Sector, negatively affected customers who are regular in payment of their bills are entitled to compensation from the supplier for direct and provable damages sustained as a result thereof.
2. The energy enterprise shall compensate negatively affected customers who are regular in payment of his bills for the damages caused in the future bills.



3. The supplier within a deadline of 120 days since the approval of this rule shall submit to ERO for approval the procedure for compensation to the customers who have been disconnected by the energy enterprise in contradiction to the disconnection procedure set forth in this rule.

## **CHAPTER VII MONITORING AND PENALTIES**

### Article 29

#### **Reporting, monitoring and enforcement**

1. Energy enterprise will report to ERO regarding the implementation of obligations arising from this rule on annual basis.
2. ERO shall monitor compliance of the energy enterprise with disconnection procedures established in this Rule and, in case of non-compliance, may take enforcement action against an energy enterprise.
3. An energy enterprise shall maintain records of all disconnections and reconnections and shall preserve such records for at least five (5) years.

### Article 30

#### **Penalties**

1. Failure of an energy enterprise to comply with the procedures set forth in this Rule shall constitute an offence and may be subject to fines in accordance to the Article 52 of the Law on Energy Regulator.
2. When imposing a fine, ERO shall notify the energy enterprise of the infringement and provide an opportunity to respond, in writing, within fourteen (14) calendar days of the notification.
3. If a fine imposed by ERO is not paid, ERO shall initiate court proceedings before the competent court for the collection of the fine as a civil debt.

### Article 31

#### **Review of Disputes**

1. Rule on Dispute Settlement Procedures in the energy sector, sets forth the procedures by which a customer or an energy enterprise may bring a dispute concerning disconnection or reconnection before ERO.
2. Decisions of ERO may be subject to appeal in the competent court of jurisdiction in the Republic of Kosova.

## **CHAPTER VIII TRANSITIONAL AND FINAL PROVISIONS**

### Article 32

#### **Changes in Procedure of disconnection and reconnection**

1. Energy enterprises shall only implement procedures regarding the disconnection and reconnection



of customers that have been approved by ERO. ERO shall keep under review all such energy enterprise procedures regarding the disconnection and reconnection of customers and may request revisions to any such policies and procedures where it considers revisions desirable.

2. If changes in procedures for disconnection and reconnection under paragraph 1 of this article imply the removal of any of the terms of this rule, then these changes may be approved by ERO only if such changes in procedures are not discriminatory.

#### Article 33

##### **Official Language of the Rule**

This rule is issued in the Albanian language and translated into Serbian and English. In the event of discrepancies between versions, the Albanian version shall prevail.

#### Article 34

##### **Changes**

1. ERO retains the right to change or modify any provision of this rule.
2. Procedures for the amendment or modification of this rule will be the same as for its approval.

#### Article 35

##### **Interpretation**

If there is uncertainty about the provisions of this Rule, the Board will issue disclosure.

#### Article 36

##### **Repeal**

This rule supersedes Rule on Disconnection and Reconnection of Customers in Energy Sector drafted by the Law No.2004/09 on Energy, and approved by the Board of ERO dated 27.05.2009.

#### Article 37

##### **Entry into force**

1. Rule comes into force on: 01 September 2011.
2. On entry into force, regulations will be published in the official website of ERO.

Board of Energy Regulatory Office

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Dr. Ali Hamiti, Chairman

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Përparim Kabashi, member

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Blerim Koci, Member



### Attachment 1: Schedule of Service Charges

<b>Service charges to be paid to the energy enterprise</b>	
1. Preparation and delivery of the disconnection and/or reconnection notice	2.00 €
2. Disconnection for Household Customers	15.00 €
3. Reconnection for Household Customers	15.00€
4. Disconnection for Non-household customers (commercial customers)	30.00 €
5. Reconnection for Non-household customers (commercial customers)	30.00€