



Prishtina, 12 October 2012

ERO Code: V_463_2012

The Board of the Energy Regulatory Office,

Based on:

- Article 8, paragraph 1, sub-paragraph 1.6, Article 14, paragraph 2, sub-paragraph 2.16 and Article 25 of the Law on Energy Regulator (No.03/L-185);
- Article 11, paragraphs 3 and 17 of the Rule on the Authorization Procedure for Construction of New Generation Capacities;
- Request for withdrawal of Applications for the construction of two (2) electricity generation units in the Lepenc River (HPP Lepenc I. 1.900 kW, MO Vërbeshticë, Jazhinca and Strpce, Strpce Municipality and HPP Lepeni II. 3.500 kW, MO Sllatin / Gërllicë village, Kacanik Municipality, dated 01.08.2012 by the enterprise "Devolli Group" LLC., Address Str. "Zahir Pajaziti" n.n. Peja, Republic of Kosovo,

in the session held on 12 October 2012, issued the following:

DECISION

- I. **IT IS REJECTED** granting of preliminary authorization to the enterprise "GROUP DEVOLLI" LLC, for construction of two (2) electricity generation units in the Lepenc River (HPP Lepenc I. 1.900 kW, MO Vërbeshticë, Jazhinca and Strpce, Strpce Municipality and HPP Lepeni II. 3.500 kW, MO Sllatin / Gërllicë village, Kacanik Municipality, dated 01.08.2012 by the enterprise "Devolli Group" LLC., Address Str. "Zahir Pajaziti" n.n. Peja, Republic of Kosovo.

Justification

- o ERO on 07.04.2011 received from the enterprise "GROUP DEVOLLI" LLC. the applications for authorization for the construction of two (2) electricity generation units in the Lepenc River (HPP Lepenc I. 1.900 kW, MO Vërbeshticë, Jazhinca and Strpce, Strpce Municipality and HPP Lepeni II. 3.500 kW, MO Sllatin / Gërllicë village, Kacanik Municipality.
- o ERO on 04 April 2011 notified the applicant that the applications are part of the tender package announced by the Ministry of Economy and Finance of the Republic of Kosovo, dated 31 March 2010.
- o ERO on 28 June 2011 notified the applicant that it has addressed to the relevant bodies and asked them to explain the situation that the initiation of the tendering procedure made by the Government was and remains contrary to the provisions of the Law on Energy Regulator.
- o ERO on 07 May 2012 received a notice on cancellation of the tender for Small Hydro Power Plants that were part of the tender package Announced by the Ministry of Finance of the Republic of Kosovo.



- ERO on 08 May 2012 notified the applicant that after the receipt of notice on cancellation of the tender, it will start to assess the applications in accordance with the Rule on Authorization Procedure and legislation in force.
 - ERO on 01 June 2012 issued a document relating the initial assessment of applications, where it required from the enterprise "Devolli Group" LLC to provide evidences according to Annex III of the application which are relevant to this stage of the evaluation and requested to bring the evidences within the legal deadline specified in Article 11 of the Regulation on Authorization Procedure.
 - ERO on 31 July 2012 informed you that if the applicant delays without convincing reasons the required answers, it has the right to reject the application, or to decide based on existing documents and information and to notify the applicant of its decision.
 - ERO on 01 August 2012 by a representative of the enterprise "Devolli Group" LLC received a request for withdrawal of applications, with protocol no. 329/11 and no. 330/11 dated 07 April 2011.
 - ERO after the evaluation of the request for withdrawal of the applications, and evaluation of applications, as well as based on the legal provisions mentioned in the introduction of this decision, has decided as in the enacting provision of this decision.
- II. The Decision shall be issued in Albanian language and will be translated into Serbian and English. In the event of any discrepancy between the versions, the Albanian version shall prevail.
- III. This Decision shall enter into force on the date of approval by the Board of ERO and shall be published in the official website of ERO.

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 the Decision or the date of its publication in the ERO website, whichever occurs last.

ERO Board

Enver Halimi, Chairman

Përparim Kabashi, Member

Blerim Koci, Member

Merita Kostari, Member

Krenar Bujupi, Member