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ENERGY REGULATORY OFFICE  
REGULATORNI URED ZA ENERGIJU

**Fourth Electricity Tariff Review - 2010 (ETR4)**  
**Review of comments, ERO's response and proposal**

**Prishtina, 18 March 2010**

**Contents**

- 1 Introduction ..... 2**
- 2 Comments of the Kosova Energy Corporation JSC ..... 2**
- 3 ERO’s response on the comments of Kosova Energy Corporation JSC ..... 3**
  - 3.1 Corrections of RAB and RAB<sub>f</sub> ..... 3
  - 3.2 Allowed import price ..... 3
  - 3.3 Allowed emergency import volume ..... 4
  - 3.4 Allowed cost for KOSTT ..... 4
  - 3.5 Bad debts ..... 4
  - 3.6 Contract for the purchase of ancillary services ..... 5
  - 3.7 Cost of energy purchase from Hydro Power Plants ..... 5
  - 3.8 ERO adjustments ..... 6
- 4 Comments of the Kosova Transmission, System and Market Operator (KOSTT) ..... 8**
- 5 ERO’s response on KOSTT’s comments ..... 8**
  - 5.1 Additional costs for performance-based salaries ..... 8
  - 5.2 Maintenance cost ..... 8
  - 5.3 Level of KOSTT’s cost compared to other operators in the region ..... 9
- 6 Comments of the Ministry of Economy and Finance ..... 9**
- 7 Comments of the Kosova Water and Sewage Association (SHUKOS) ..... 9**
- 8 Civil society comments ..... 10**
- 9 ERO proposals ..... 10**
  - 9.1 Annex 1: Regulated Retail tariffs ..... 11
  - 9.2 Annex 2: KOSTT charges ..... 12

## 1 Introduction

The Energy Regulatory Office (ERO) is in the process of the fourth electricity tariff review (ETR4). The tariff review process evaluates the allowed revenues of the Kosova Energy Corporation (KEK) JSC and of the Kosova System, Market and Transmission Operator (KOSTT) JSC, which will be recovered from electricity tariffs for regulated customers.

In line with the principles and the timetable of the tariff review, KEK and KOSTT have submitted their applications for allowed revenues and tariffs which are expected to be effective from April 1<sup>st</sup>, 2010. On February 26<sup>th</sup> 2010, ERO published the Consultation Paper which presented ERO's comments on the applications of KEK and KOSTT as well as ERO's proposals on allowed revenues required for a normal functioning of the above-mentioned entities. The purpose of the Consultation Paper was to receive comments from stakeholders on ERO's views concerning their applications.

The parties which have submitted comments are:

- The Kosova Energy Corporation JSC.
- The Kosova System, Market and Transmission Operator JSC.
- Ministry of Economy and Finance (MEF)<sup>1</sup>
- The Kosova Water and Sewage Association (SHUKOS)
- Non-Governmental Organization "Konsumatori"
- Non-Governmental Organization "Fol"

**This document presents ERO's final response and proposals following review of latest comments and proposals to be submitted to ERO's Board for approval.**

## 2 Comments of the Kosova Energy Corporation JSC

KEK comments focus on the following issues:

- The correction of ERO's Regulatory Asset Base (RAB) and of the Regulatory Asset Base of commercially financed assets (RABf)
- The allowed import price
- The allowed emergency import volume
- Allowed costs for KOSTT

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<sup>1</sup> MEF's comment arrived at ERO on 12 March 2010, after the deadline (5 March 2010) set in the principles and Schedule of ETR4.

- Bad debts
- The contract between KEK and KOSTT for the purchase of ancillary services
- The costs of purchasing power from Hydro-Power Plants
- ERO's corrections and adjustments

### **3 ERO's response on the comments of Kosova Energy Corporation JSC**

#### **3.1 Corrections of RAB and RAB<sub>f</sub>**

While preparing the Consultation Paper, ERO had corrected the RAB and the RAB<sub>f</sub> values in KEK's applications to match with the values of the capital investments reflected in KEK's audited financial statements.

Aiming full transparency, ERO had sent<sup>2</sup> KEK two documents which clarified ERO's calculations of the RAB and the RAB<sub>f</sub> as well as stated what the impact would be on KEK's allowed revenues for 2010. After sending these comments, ERO offered KE an opportunity to meet and give their opinion on ERO's calculations. In this meeting<sup>3</sup>, KEK's representatives declared that they fully agree with ERO's calculations and that they had no particular comments on these calculations.

Nevertheless, the comments submitted by KEK after the publishing of the Consultation Paper state that, following further review of ERO's calculations, KEK has noticed that these calculations did not take into account "advance payments to suppliers". KEK considers that "advance payments to suppliers" should be included in the RAB and the RAB<sub>f</sub> which is applied in calculating Allowed Revenues as these purchases have to do with capital investment.

ERO states that in principle it is not right to revisit calculations on which the parties (KEK and ERO) have already agreed. However, as far as this comment is concerned, ERO emphasizes that "Advance payments to suppliers" would result in additions to capital assets that were recorded in 2009 by KEK. These additions are taken into account because ERO has included KEK's actual capital expenditures of 2009 in the RAB and RAB<sub>f</sub> of 2010, which have been further used to calculate Allowed Revenues under ETR4. KEK's comment therefore does not have any impact in changing ERO's proposal.

#### **3.2 Allowed import price**

Regarding ERO's proposal on the allowed price of purchasing electricity from imports (69.5 €/MWh) KEK has commented that, since this price is a forecast, it is difficult to argue about a 2.3% difference in price between ERO's proposal and KEK's proposal (71.1 €/MWh).

ERO considers this as a general comment of KEK and not as a comment which would amend ERO's proposal; therefore it does not deem it reasonable to comment any further on this issue.

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<sup>2</sup> An e-mail was sent on February 16<sup>th</sup>, 2010

<sup>3</sup> A meeting was held on February 18<sup>th</sup>, 2010 at ERO premises.

### 3.3 Allowed emergency import volume

With regard to ERO's proposal on allowed emergency import volume, KEK commented that it is necessary for KEK to be better informed on the assumptions of ERO. KEK has also misunderstood the position of ERO regarding electricity supply to customer categories A, B and C.

ERO has reduced the assumed price for 72-hour emergency import contracts as well as the volume of 6-hour emergency import contracts in order to better reflect previous actual contract prices for the import purchase cost and cost of emergency import purchase. A detailed correction, as well as other aspects of calculating the import cost, were sent to KEK via e-mail dated March 2, 2010.

As far as supply to A, B, C feeders is concerned, ERO had stated in its Consultation Paper that the value of €10.2 million for purchasing power from imports on emergency cases would only make sense if this energy was used to supply all categories A, B and C without discrimination. KEK's proposal for 24:0 supply to A, B categories would make possible for KEK to reduce the category C disproportionately, to fulfill the condition of 24:0 supply to categories A and B. Since the energy balance in KEK's application included a deficit of 30 GWh per year, ERO proposes that this amount of energy be reduced as needed in accordance with ABC plan in force. KEK has wrongly interpreted ERO's position by saying that the supply of categories A and B should be reduced to the level of supply to category C, which is not the case.

### 3.4 Allowed cost for KOSTT

As far as allowed cost for KOSTT services is concerned, KEK commented, among other, that ERO's allowed revenue for this cost category of € 12,497,000 have been underestimated by €7.828.000. KEK's comment is based on their assumption on allowed revenues that KOSTT would benefit if the current tariffs KOSTT remained in force.

ERO emphasizes that in their calculations, KEK has taken into account the value of KOSTT's allowed (12.497.000) which does not include allowed losses in the transmission network. ERO had stated in Point 5 of the Consultation Paper that KEK's allowed revenues of 156.2 million euros include also the 18.1 million euros allowed for KOSTT. Certainly, ERO will change KOSTT charges to reflect the allowed revenues of 18.1 million euros.

### 3.5 Bad debts

In its comments, KEK provided a description of ERO's position on bad debts. ERO has continued to apply the principle established in the Tariff Methodology that bad debts are not to be included in the Allowed Revenues for KEK. ERO's proposal is based on the principle that regularly paying consumers should not cover the debts of non-paying customers.

ERO will review its approach on bad debts in the future, in accordance with international common practices on such debt.

### 3.6 Contract for the purchase of ancillary services

In the Consultation Paper, ERO assumed<sup>4</sup> that the contract for ancillary services signed between KEK Generation and KOSTT will enter into force by January 2010. In its comments, KEK advised that this contract is expected to enter into force later on in 2010. Meanwhile, KOSTT has confirmed it will continue to purchase ancillary services from neighboring countries.

With regard to this comment of KEK, ERO will allow that KOSTT keep the amount allowed for the purchase of ancillary services, assuming that the costs of purchasing ancillary services from neighboring states are approximately equal to service purchase costs presented in the contract with KEK.

Simultaneously, ERO will not make any change in Allowed Revenues for KEK in this tariff review, because the date when the implementation of the contract for ancillary services will begin is not accurately known. ERO will adjust KEK's Allowed Revenues for 2011 to compensate for any delay in payments due to delay in the contract implementation. This correction will consider the date when the contract begins to be implemented. For example, if the contract will begin to be implemented on April 1, 2010 then KEK will be compensated in 2011 by 25% (3 out of 12 months of the year) of the contract value.

### 3.7 Cost of energy purchase from Hydro Power Plants

With regard to the cost of energy purchase from hydro-power plants, KEK disagrees with ERO's reduction of 0.237 million Euros for the correction of energy purchase from small hydro-power plants. According to KEK, ERO should increase the allowed cost of energy purchase from this hydro-power plant by the Value Added Tax (VAT) because KEK pays VAT also when it purchases energy from this hydro-power plant. KEK also emphasized that the cost of purchasing energy from HPP Ujmani is 27.5 €/MWh, not 24.0 €/MWh as proposed by ERO.

During the calculation of Allowed Revenues in Table 1 of the Consultation Paper, ERO emphasized that it has taken into account the value of power purchase from Lumbardhi presented in KEK's tariff model. This value was presented as 50 €/MWh in KEK's model. ERO determined that the purchase price of energy in the Power Purchase Agreement (PPA) signed between the HPP Lumbardhi and KEK is 40 €/MWh, and corrected the value of 0.237 million euros in KEK's application to reflect this change.

The cost of purchasing energy from HPP Ujmani shown by KEK is 27.5 €/MWh in its ERO sample forms and 24.0 €/MWh in the KEK's model, which means that two different values have been presented for the same energy. In assessing Allowed Revenues contained in the Consultation Paper, ERO has considered the price of 24.0 €/MWh because this is the last year's price and ERO has not been notified on any changes to the supply conditions between KEK and HPP Ujmani. Meanwhile,

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<sup>4</sup> Point 2 of the contract for the purchase of ancillary services signed between KEK and KOSTT states that the contract enters into force on the date of its signing, i.e. on 25 January 2010.

following publication of the Consultation Paper, KEK has submitted to ERO the PPA between KEK and HPP Ujmani, at the price of 27.5 €/MWh.

ERO, however, will update the cost of purchasing energy from HPP Ujmani to reflect increased cost of purchasing electricity from this hydro-power plant in accordance with the aforementioned contract. This correction results in an increase of KEK's Allowed Revenues by 0.216 million euros, which does not represent a substantial change that would cause ERO's proposal on final tariffs to change.

As far as KEK's comment on VAT is concerned, this is a cost with which the customer is finally charged together with energy, it is therefore not acceptable that the customer be charged with VAT twice.

### **3.8 ERO adjustments**

In its comments, KEK requested that ERO provide additional documentation about detailed calculations on corrections and adjustments made in Allowed Revenues.

In the third review of electricity tariffs (ETR3), ERO has permitted allowed depreciation and return for capital investment proposed by KEK in the amount of 129.1 million euros. The value of allowed return and depreciation included in the Allowed Revenues of ETR3 that corresponds to the abovementioned level of capital investment is 11.3 million euros. In ETR4, ERO has reviewed the values of actual capital investments, and has noticed that during ETR3 KEK had invested only 105.7 million euros, corresponding to 9.2 million euros of allowed return and depreciation. ERO, therefore, has adjusted the difference between the allowed and actual value of return and depreciation that has resulted in a reduction of 2.2 million euros in the Allowed Revenues of KEK in the framework of ETR4.

ERO adjustments are given in the table below:

Kosovo Energy Corporation - Adjustments							
			Mining	Generation	Network	Supply	HQ
<b>Capital expenditures</b>							
	Allowed (donor-financed)	€000s	0.0	0.0	0.0	0.0	0.0
	Actual (donor-financed)	€000s	0.0	0.0	0.0	0.0	0.0
	Allowed (other financing)	€000s	91,800.0	16,600.0	18,000.0	210.0	2,539.0
	Actual (other financing)	€000s	78,900.0	16,200.0	8,600.0	210.0	1,800.0
<b>Depreciation</b>							
	Asset life	years	35.0	16.0	30.0	5.0	5.0
	Allowed	€000s	1,311.4	518.8	300.0	21.0	253.9
	Actual	€000s	1,127.1	506.3	143.3	21.0	180.0
	Adjustment	€000s	-184.3	-12.5	-156.7	0.0	-73.9
<b>Return</b>							
	WACC		13.8%	13.8%	13.8%	13.8%	13.8%
	Allowed	€000s	6,334.2	1,145.4	1,242.0	14.5	175.2
	Actual	€000s	5,444.1	1,117.8	593.4	14.5	124.2
	Adjustment	€000s	-890.1	-27.6	-648.6	0.0	-51.0
<b>Total</b>		€000s	-1,074.4	-40.1	-805.3	0.0	-124.9
<i>Interest rate</i>			8.15%	8.15%	8.15%	8.15%	8.15%
<b>Total after interest rate adjustment</b>		€000s	-1,161.9	-43.4	-870.9	0.0	-135.1

Tabela 1

KEK also disagrees with the proposal of ERO that the allowed level of technical losses in distribution network in 2010 be 17.1%, which is also the allowed value of these losses in 2009. KEK has requested that the value of technical losses be 17.5% for 2010, and has reported that the actual technical losses of 2009 were 18%. According to KEK, a longer time is needed for the improvement in the distribution network to have effect in reducing losses, and ERO's proposal to reduce the level of technical losses is high.

ERO is aware that certain time is needed to notice any reduction in the distribution network losses, as a result of capital investment. However, taking into account the level of actual technical losses of 17.1% in 2008 and the dynamics of capital investment in the distribution network during 2009 and 2010, ERO considers KEK's demand for an increase in the allowed level of technical<sup>5</sup> losses as unjustifiable. Table 2 presents the level of technical and commercial losses allowed by ERO and KEK's actual level of technical and commercial losses.

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<sup>5</sup> Allowed level of commercial losses for 2010 (20%) matches the level requested in KEK's application for the same year (20%)

	2008 Allowed	2008 Actual	2009 Allowed	2009 Actual	2010 Allowed
Distribution technical losses	17.4%	17.1%	17.1%	18.0%	17.1%
Distribution commercial losses	20.0%	25.9%	20.0%	24.8%	20.0%
Total Losses	37.4%	43.0%	37.1%	42.8%	37.1%

Table 2

As shown in the table, the actual technical losses of KEK were 17.1% in 2008. Given this, ERO considers that it is reasonable to assume that KEK can achieve the same level of losses again in 2010, because the improvement of distribution network, as a result of capital investment implemented in previous years, will make an impact during this period.

#### 4 Comments of the Kosova Transmission, System and Market Operator (KOSTT)

KOSTT's comments related to the following issues:

- Additional costs for performance-based salaries
- Maintenance costs
- Level of KOSTT's costs compared to other operators in the region

#### 5 ERO's response on KOSTT's comments

##### 5.1 Additional costs for performance-based salaries

In the Consultation Paper, ERO had proposed not to allow the value of 0.131 million Euros requested by KOSTT for performance-based salaries.

Regarding this position of ERO, KOSTT commented that it believed strongly in the need to motivate workers for a continuous improvement of the transmission system in Kosova.

ERO agrees with KOSTT's position that it is necessary to motivate employees in order to further improve energy sector in Kosova. However, ERO states that improved performance would result in increased profits for KOSTT. For this reason, performance payments should be funded from increased profits and not from customers in the form of an additional cost.

##### 5.2 Maintenance cost

KOSTT disagrees with the way ERO addresses maintenance cost presented in the Consultation Paper. In this paper, ERO had proposed that the portion of the assets which is funded by operational maintenance costs be removed from RAB and RAB<sub>f</sub> (on the basis of which depreciation and allowed return are calculated) in order to avoid double-counting of the same category. KOSTT proposes that the maintenance portion of the assets be removed only from RAB<sub>f</sub>, and not from RAB.

ERO continues to stay behind its proposal that this category of costs be eliminated completely from both regulated asset bases. Allowing this cost in RAB would imply that KOSTT would collect once more the depreciation cost of these assets for their entire life, even though KOSTT has received this amount of money as part of operational expenses of Allowed Revenues under ETR3.

### **5.3 Level of KOSTT's cost compared to other operators in the region**

At the conclusion of their comments, KOSTT has provided an analysis which intended to emphasize the fact that KOSTT revenues constitute only 6% of the total revenues in this sector, when taking into account also the subsidies received by KEK.

As the structure of the electro-energy system as well as prices and tariffs can vary from country to country, ERO considers such a comparison to be incoherent.

## **6 Comments of the Ministry of Economy and Finance**

Through a note sent to ERO, the Ministry of Economy and Finance has indicated that it is "the goal of the Government to reduce appropriations for energy imports for 2010 from 40 million Euros to 30 Euros." According to this note, the government subsidies will continue to decline in the coming years and are expected to be eliminated by 2013. In addition, MEF states that tariffs for electricity customers have to be changed in order to reflect the real cost of electricity services and improve the quality of services provided.

ERO takes into consideration the need for a further improvement of electricity services. In this regard, given the need for capital investment in the electricity sector in Kosova, ERO has agreed to permit allowed return and depreciation for all capital investments proposed by the licensee.

KEK's application for fees for 2010 consisted of a subsidy value of 50 million euros, of which 40 million are already presented in the budget which is already adopted by the Assembly of Kosova and the remaining value (10 million euros) is the surplus transferred from the subsidies of 2009. ERO determines tariffs based on the documents currently in force. ERO therefore takes into account the level of subsidies, as shown in the Consultation Paper.

## **7 Comments of the Kosova Water and Sewage Association (SHUKOS)**

SHUKOS is against any possible increase of electricity tariffs, underlining the grave financial situation of Public Water Companies in Kosova. SHUKOS commented that it has approached ERO and KEK several times for the possibility of establishing a separate tariff for water companies.

ERO states that, in terms of the creation of a special category of customers, SHUKOS must approach KEK which is obliged under the legislation in force, to propose any changes in tariff structure, if it can be demonstrated that the load profile of water companies differs from the load profile of the category where they currently belong.

ERO would review and approve any appropriate tariff structure proposed by KEK that would be beneficial both to the customers and the licensed company.

## **8 Civil society comments**

Non-Governmental Organization "Konsumatori" and "Fol" have expressed their objection in a general way against any increase in electricity tariffs.

Comments of these organizations have not provided any new fact that would change ERO's proposal contained in the Consultation Paper.

## **9 ERO proposals**

Given the justifications and explanations presented above, ERO has received no comments that would have an impact in changing ERO's proposal contained in the Consultation Paper.

Therefore ERO proposes that the level of allowed revenues for KEK 2010 should be 156.4 million euros, and for KOSTT 18.1 million euros. The level of allowed revenues for the two licensed companies can be recovered with the current level of tariffs. Therefore, ERO proposes that existing regulated retail tariffs remain in force during this tariff period.

The level of regulated retail tariffs that will remain in effect is given in Annex 1.

Proposed level of charges that reflect Allowed Revenues for KOSTT is given in Annex 2.

ERO extends its thanks to stakeholders for submitting comments and for their active participation in the current tariff review process.

## 9.1 Annex 1: Regulated Retail tariffs

Tariff Group	Voltage level of supply	Tariff elements	Unit	Time-of-day	Existing		Proposed	
					High season	Low season	High season	Low season
					1 October - 31 March	1 April - 30 September	1 October - 31 March	1 April - 30 September
0	110kV	Standing (customer) charge	€/customer/month		83.83		83.83	
		Standing (demand) charge	€/kW		5.59	5.59	5.59	5.59
		Active energy (P), of which:	€/kWh	High tariff	6.49	1.92	6.49	1.92
			€/kWh	Low tariff	2.70	1.58	2.70	1.58
	Reactive energy (Q)	€/kVArh		0.00	0.00	0.00	0.00	
1	35kV	Standing (customer) charge	€/customer/month		11.08		11.08	
		Standing (demand) charge	€/kW		5.81	5.81	5.81	5.81
		Active energy (P), of which:	€/kWh	High tariff	6.79	2.94	6.79	2.94
			€/kWh	Low tariff	3.59	2.65	3.59	2.65
	Reactive energy (Q)	€/kVArh		0.66	0.66	0.66	0.66	
2	10kV	Standing (customer) charge	€/customer/month		4.58		4.58	
		Standing (demand) charge	€/kW		5.01	5.01	5.01	5.01
		Active energy (P), of which:	€/kWh	High tariff	7.61	3.39	7.61	3.39
			€/kWh	Low tariff	4.10	3.09	4.10	3.09
	Reactive energy (Q)	€/kVArh		0.66	0.66	0.66	0.66	
3	0.4kV Category I (large reactive power consumers)	Standing (customer) charge	€/customer/month		2.58		2.58	
		Standing (demand) charge	€/kW		2.91	2.91	2.91	2.91
		Active energy (P), of which:	€/kWh	High tariff	8.45	4.69	8.45	4.69
			€/kWh	Low tariff	5.33	4.43	5.33	4.43
	Reactive energy (Q)	€/kVArh		0.66	0.66	0.66	0.66	
4	0.4kV Category II	Standing (customer) charge	€/customer/month		2.92		2.92	
		Active energy (P)	€/kWh	Single tariff	10.41	6.73	10.41	6.73
		Active energy (P), of which:	€/kWh	High tariff	12.53	8.21	12.53	8.21
			€/kWh	Low tariff	6.26	4.10	6.26	4.10
5	0.4kV (domestic 2-rate meter)	Standing (customer) charge	€/customer/month		2.08		2.08	
		Active energy (P), for consumption:						
		<200kWh/month (First Block):	€/kWh	High tariff	4.64	3.33	4.64	3.33
			€/kWh	Low tariff	2.33	1.66	2.33	1.66
		200-600 kWh/month (Second Block):	€/kWh	High tariff	6.43	4.60	6.43	4.60
			€/kWh	Low tariff	3.22	2.31	3.22	2.31
>600 kWh/month (Third Block):	€/kWh	High tariff	9.33	6.68	9.33	6.68		
	€/kWh	Low tariff	4.66	3.35	4.66	3.35		
6	0.4kV (domestic, 1-rate meter)	Standing (customer) charge	€/customer/month		2.08		2.08	
		Active energy (P), for consumption:						
		<200kWh/month (First Block):	€/kWh	Single tariff	4.14	2.96	4.14	2.96
		200-600 kWh/month (Second Block):	€/kWh	Single tariff	5.73	4.10	5.73	4.10
>600 kWh/month (Third Block):	€/kWh	Single tariff	8.31	5.96	8.31	5.96		
7	0.4kV (domestic unmetered)	Estimated Consumption:						
		<200kWh/month	€/customer/month		21.50		21.50	
		200-600kWh/month	€/customer/month		38.92		38.92	
	>600kWh/month	€/customer/month		65.58		65.58		
8	Public lighting	Standing (customer) charge	€/customer/month		2.92		2.92	
		Active energy (P), for consumption:	€/kWh	Single tariff	8.42	8.42	8.42	8.42

High Tariff applies 07:00-22:00 Monday-Saturday during the High Season and 08:00-23:00 Monday-Saturday during the Low Season  
Customers registered as social cases are charged at a zero rate

## 9.2 Annex 2: KOSTT charges

Tariff group	Voltage level of connection	Tariff elements	Unit	Existing	Proposed
Generator	400kV / 220kV	Use of system (capacity) charge	€/kW/year	0.000	0.000
		System operator charge	€/MWh	1.067	0.934
		Market operator charge	€/MWh	0.020	0.018
Generator	110kV	Use of system (capacity) charge	€/kW/year	0.000	0.000
		System operator charge	€/MWh	1.067	0.934
		Market operator charge	€/MWh	0.020	0.018
Generator	Distribution	Use of system (capacity) charge	€/kW/year	0.000	0.000
		System operator charge	€/MWh	0.328	0.287
		Market operator charge	€/MWh	0.020	0.018
Supplier	400kV / 220kV	Use of system (capacity) charge	€/kW/year	4.636	4.057
		System operator charge	€/MWh	1.067	0.934
		Market operator charge	€/MWh	0.020	0.018
Supplier	110kV	Use of system (capacity) charge	€/kW/year	10.094	8.832
		System operator charge	€/MWh	1.067	0.934
		Market operator charge	€/MWh	0.020	0.018