



REPUBLIKA E SHQIPËRIË

## ENERGY REGULATORY AUTHORITY

### BOARD

### DECISION

**No.128, Dated 27.05.2021**

#### **ON REPEALING ERE BOARD DECISION NO.24, DATED 21.01.2021, “ON THE REQUEST OF DSO COMPANY REGARDING THE USE OF REPLACEMENT VALUES OF ELECTRICITY CONSUMPTION DURING THE PERIOD FOR THE IMPLEMENTATION OF THE PREVENTIVE MEASURES AGAINST COVID-19”**

Based on article 16 and 19, of Law no. 43/2015 "On Power Sector", as amended, article 113, point 1 and 2, of Law no. 44/2015 “Code of administrative procedures of the Republic of Albania” and article 15, of the “Rules for ERE Organization, Operation and Procedures”, approved with ERE Board Decision no. 96, dated 17.06.2016, ERE Board in their meeting no. 27.05.2021, after reviewing the report Protocol no. 76/4 dated 24.05.2021, prepared by Customer Protection, Performance and Standards Directory,

#### **Observed that:**

- ERE Board with decision no. 24, dated 25.01.2021, decided to approve the request of Distribution System Operator (DSO) company regarding the use of replacement values of electricity consumption during the period for the implementation of the preventive measures against Covid-19
- In the tasks provided in decision no. 24/2021, among others, it is defined that DSO company and the Universal Service Supplier (FSHU) company shall report within the 20th of each calendar month throughout the duration of this decision regarding the progress for the implementation of this decision.
- In response to this obligation FSHU company and DSO company with official letter Protocol no. 1518, dated 02.03.2021, registered at ERE with Protocol no. 305/1 dated **04.03.2021** informed that, during the first month of the implementation of ERE board decision no.24 / 2021, due to technical impossibilities and time, was able to invoice with replacement reference values only a part of the customers, **respectively 200,000.**
- After being informed about this report, ERE submitted to FSHU company and DSO company the official letter Protocol no. 305/3 dated 26.03.2021 requesting that in the next information on March, pursuant to points 11 and 12 of the decision above, to also present the **exhaustive information regarding the areas (including, but without limited to Town and Village) which were invoiced with replacement reference values during February.**

- DSO company via official letter Protocol no. 305/6, dated 28.04.2021 informed that, during February, 175,517 customers or 14% of the total number of customers were invoiced with replacement reference values . During the reading cycle of March 2021, 216,844 customers were to be invoiced with replacement reference values. DSO company in the above mentioned letter also states that: “it is impossible to invoice the total number of customers with reference value, a number which was expected to be divided into 50% according to customers in each month, as provided in point 2.1, of decision no. 24/2021 ”.

- FSHU company through official letter Protocol no. 3156/1 dated 30.03.2021, protocolled at ERE with no. 305/3, dated 01.04.2021, informed that during January 2021, **303 complaints were registered in total for invoicing with replacement reference value, while for February 2021 only 1 complaint was registered.**

- The significantly decreasing number of complaints registered at FSHU company, for invoicing with replacement reference value, was encountered during the implementation of ERE board decision with similar billing modalities such as that no. 58, dated 26.03.2020, “On defining the electricity billing method, during the period of implementation of the council of ministers normative act no.8, dated, 24.03.2020 “On some additions and changes in the Council of Ministers normative act no.3, dated 15.03.2020, “On taking specific administrative measures during the period of infection caused by Covid-19”, as amended and also Council of ministers decision no.243, dated 24.03.2020 “On natural disaster declaration”

- **ERE does not appear to have received any complaints about the replacement reference values during the duration of the effects of ERE board decision no. 24/2021.**

- ERE through official letter Protocol no. 632 dated 28.04.2021 requested from the companies information regarding:

1. Number of electricity customers that are invoiced with reference values for March;
2. Information regarding the implementation of decision no. 24/2021 regarding the application of reference values in alternating months for the same customer base;
3. Total number of electricity customers that were supplied during March;
4. The number of complaints registered during March as well as the procedural terms to handle these complaints, together with the supporting documentation.

- **DSO company submitted at ERE the required information in tabular and explanatory manner regarding the customer base invoiced with replacement reference values by areas.**

- From the analysis made by the two companies, ERE assessed that the licensed companies that are subject to the implementation of decision no. 24/2021 find it difficult to meet the obligations set out in Article 2.1 thereof, due to the technical inability to generate real-time data from the system used for this purpose.

- Updating the electronic historical data system would require a longer time than the terms of the effects of ERE board decision no. 21/2021 that end in June 2021.

- With the measures taken by the Albanian Government for the vaccination of the population, as well as the significant reduction of data published by the "Ministry of Health and Social Protection" of the number of the individuals infected with Covid 19 recently, the risk of

exposure, which was the main reason for accepting the request of DSO company for the approval of the 2-month reading, it is significantly reduced.

• Article 113, point 1, of the Code of Administrative Procedures provides that: *“An administrative act may be annulled or repealed, ex officio, by the public organ that has the competence to issue the act, by its superior organ or by another organ explicitly determined by law. Meanwhile, point 2, of the same article, states that “... The annulment of an administrative act shall have retroactive effect, whereas the repeal of the administrative act shall have effects only for the future.”*

For all of the above mentioned, ERE Board

**Decided:**

1. To repeal ERE board decision no. 24 dated 21.01.2021 "On the request of DSO company regarding the use of replacement values of electricity consumption during the period for the implementation of the preventive measures against Covid-19".
2. Customer Protection, Performance and Standards Directory shall inform DSO company, FSHU company as well as the interested parties about ERE Board Decision.

This decision enters immediately into force.

For this decision may be required its review within 7 calendar days and may be complained on Tirana Administrative Court, within 30 calendar days from the publication in the Official Gazette.

This decision shall be published on the Official Gazette.

**ERE CHAIRMAN**

**Petrit AHMETI**