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**DECISION**

**No. 93 date July.28.2015**

**FOR**

**LICENSING “KABASH POROCAN” HPP IN ELECTRICITY GENERATION ACTIVITY FROM “HOLTA KABASH” AND “HOLTA POROCAN” HPP-s WITH INSTALLED CAPACITY RESPECTIVELY 2.2 MW AND 3.3 MW, (TOTAL CAPACITY 5.5 MW)**

Based on Law 43/2015 article 16 and article 37 letter a “*On Power Sector*”; the “*Regulation for the Procedures of Licensing, Modification, Full/Partial Transferring and Licenses Renewal*”, approved with Board of Commissioners Decision No.108, of September.09.2008, ERE Board on their July.28.2015 meeting, after reviewing the application submitted by “KABASH POROCAN” HPP and the report of License, Market and Licensee Monitoring Directory as well as Legal and Customer Protection Directory for licensing this company in electricity generation activity,

**Observed that:**

1. “KABASH – POROCAN” HPP has applied for license in electricity generation on May.13.2015 pursuant to Law no. 9072, of May.23.2003, “*On Power Sector*”, as amended. ERE Board with decision no. 76, of June.08.2015, approved to begin the procedures for licensing “KABASH – POROCAN” HPP in electricity generation activity.
2. The notification for the licensing request of this company is done pursuant to article 16, Law No 9072 “*On Power Sector*” as amended.
3. On May.15.2015 has entered into force Law no.43/2015, “*On Power Sector*”.
4. On Law no 43/2015, article 110 point 1, it is provided that Law no. 9072 of May.22.2015 “*On Power Sector*” as amended and any other legal provision that contradict with Law no 43/2015 “*On Power Sector*”, is repealed.

5. On Law no 43/2015 “On Power Sector” pursuant to the obligations deriving from the Law itself on article 39 and article 108 point 3 as well as on article 110 point 2 it is provided that: *the secondary acts, that regulate the activities in the electricity sector, approved before the entry into force of this law, will be implemented to the extent they do not contradict with this law, until their review and the issue of the new acts in conformity with the requirements and terms set in this law.*

For all of the above mentioned and given that the application of “KABASH POROCAN” HPP, fully completes the requirements provided by ERE in the “Regulation for the procedures of licensing, modification, full/partial transferring and licenses renewal” as follows:

- The application format (article 9, point 1) is submitted and completed correctly.
- Legal, administrative and ownership documentation (article 9, point 2) is submitted and completed correctly.
- Financial and fiscal documentation (article 9, point 3) are submitted and completed correctly.
- Technical documentation (article 9, points 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5) is completed correctly.

ERE Board,

**Decided:**

1. To license “KABASH POROCAN” HPP, in Electricity Generation activity from “Holta Kabash” HPP with installed capacity 2.2 MW and “Holta Porocan” HPP with installed capacity 3.3 MW, (total installed capacity 5.5 MW), for a 30 year period.
2. License, Market and Licensee Monitoring Directory shall inform the applicant for ERE Board decision.

This decision enters immediately into force.

This decision is published in the Official Gazette.

ERE Chairman  
**Petrit Ahmeti**  
On his absence  
**Adriatik BEGO**