

REGULATION ON CRITERIA FOR GRANTING AND REVOKING THE STATUS OF ELIGIBLE CUSTOMER

CHAPTER I GENERAL PROVISIONS

Article 1 – Purpose of Regulation

This Regulation is compiled according to article 48 of the law no.9072, dated 22.05.2003 “On power sector” as amended, and its purpose is to establish the rules on the criteria for granting and revoking the status of Eligible Customer.

Article 2 – Application

This Regulation shall be applied to all Tariff Customers entitled to get the status of Eligible Customer according to article 48 of the law no.9072, dated 22.05.2003 “On power sector” as amended and this regulation.

Article 3 – Definitions

The following terms used in this Regulation shall have the following meaning:

1. ERE shall mean the Regulatory Entity of Power Sector.
2. “Board of Commissioners” is the decision-making body of ERE composed by five members appointed according to the procedures provided for by this law.
3. Qualified Supplier is the licensed person to supply one or more Eligible Customers.
4. Eligible Customer is the customer having right to choose the supplier of electricity for its own needs.
5. Distribution Company is the licensed person to perform the distribution activity in a given area.
6. Transmission Company or Transmission System Operator is the licensed person to perform the electricity transmission activity, dispatching of power system as well as the operation of electricity market.
7. Public Supplier is the licensed person to supply tariff customers.
8. Tariff Customer is the customer supplied by public supplier under regulated tariffs and prices.
9. Annual consumption threshold is the amount of electricity that a customer has to consume during a year as established by the Board of Commissioners within the month of January of each year.

CHAPTER II PROCEDURES FOR GRANTING AND REVOKING

OF STATUS OF ELIGIBLE CUSTOMER

Article 4 – Criteria for granting of status

The status of Eligible Customer may be asked by the customers fulfilling the requirements of this regulation as follows:

- a. Has consumed during the previous year, from the year he is applying, an amount of electricity equal or larger than the consumption threshold approved by the Board of Commissioners.
- b. Files with the ERE a notarized copy of quittances of electricity payments and the electricity bills of the previous year demonstrating that the customer has fulfilled the obligations to the Public Supplier up to the moment of application.
- c. Demonstrates to ERE that during the next year will consume an amount of electricity equal or larger than the consumption threshold approved by the Board of Commissioners.

Article 5 – Record of request and the Board’s decision

1. Any customer meeting criteria set forth in article 4 of this regulation may file with the ERE a written request attaching the documents that prove the fulfillment of the criteria for getting the status.
2. The Board of Commissioners shall decide for the starting of the procedure for reviewing of the request according to the ERE Rules of Practice and Procedure.
3. The Board of Commissioners shall, within 20 days from the decision of starting the reviewing procedures, decide for granting the status of Eligible Customer, which shall become effective only if the customer meets the requirements of article 6.

Article 6 – Entering in Effect of Status

1. After obtaining the status of Eligible Customer, 90 days before the planning the customer should notify the Supplier and the ERE in order for the status to become effective.
2. After the status becomes effective, the Eligible Customer may sign contracts for electricity supply with any Qualified Supplier.

CHAPTER III CRITERIA AND PROCEDURES FOR REVOKING OF STATUS OF ELIGIBLE CUSTOMER

Article 7 – Revoking of Eligible Customer Status

The status of Eligible Customer shall be revoked when the customer:

- a) declares he will leave the granted status;

- b) does not meet the consumption threshold for the following year after getting the status;
- c) fails to fulfill the obligations to transmission and distribution system operators;
- d) does not comply with the legislation in force.

Article 8 – Revoking of status with customer’s request

1. In cases when an Eligible Customer wants to terminate the contract with the Qualified Supplier and sign a contract for electricity supply with the Public Supplier as a tariff customer, it should file 2 months in advance a written request with the ERE and notify the Public Supplier that it wants to return as a tariff customer.
2. ERE shall decide for revoking the status within 30 days from the day of filing with the ERE of the request of Eligible Customer to return as a tariff customer.
3. ERE, within 5 days from the revoking of the status of Eligible Customer, shall notify the Public Supplier about its decision.

Article 9 – Revoking of status with ERE’s initiative

For all cases of revoking the status of Eligible Customer with ERE’s initiative, the ERE shall implement the following procedures:

- a) Board of Commissioners based on the information prepared by the ERE’s technical staff shall decide on the starting of the reviewing procedures.
- b) ERE shall, within 5 days from the day of the decision for starting of reviewing procedures, notify the customer about the started procedure and the reasons of starting the procedures for revoking the status.
- c) Within 20 days the Eligible Customer may express its opinion on the ERE decision and provide its observations.
- d) ERE shall take the decision for revoking of the status only after the completion of the deadline defined in paragraph c of this article, but not later than 45 days from the day of decision for starting of procedures for revoking of status.

CHAPTER IV FINAL PROVISIONS

Article 10 – Re-signing of contract with Public Supplier

Public Supplier shall, within 30 days from the date of submission of the request by the customer, sign a contract for electricity supply with the customer according to the standard contract approved by ERE for electricity supply of tariff customers.

Article 11 –Renewal of Status

1. If a customer, who has obtained the status of Eligible Customer for a year, wants to keep the granted status, he should file a written request with the ERE attaching the documents proving the amount of consumption during the year.

2. After filing of the request, the ERE shall review submitted documents, and shall take a decision within 30 days from the day of request's filing with the ERE.

Article 12 – Revision of Regulation

This Regulation is subject of revision with the decision of the Board of Commissioners in compliance with ERE Rules of Practice and Procedure.

Article 13 - Entering into power

This regulation shall enter in power after being published in the Official Journal.