



REPUBLIC OF ALBANIA
ENERGY REGULATORY AUTHORITY

Board

DECISION

No. 215 Dated 11.10.2018

ON

TRANSFERRING THE ELECTRICITY SUPPLY LICENSE NO. 251 SERIES P14FPP APPROVED WITH ERE BOARD DECISION NO. 97, DATED 27.10.2014, VALID UNTIL 27.10.2019 AND THE UNIVERSAL SERVICE OBLIGATION FOR THE ELECTRICITY SUPPLY, OF THE ELECTRICITY DISTRIBUTION OPERATOR (OSHEE) COMPANY, APPROVED WITH ERE BOARD DECISION NO. 112, DATED 08.07.2016 TO THE "UNIVERSAL SERVICE SUPPLIER"(FSHU) COMPANY,

Based on article 16; article 19, letter "d"; article 37, point 2, letter "ç" and article 44, of Law no. 43/2015 "*On Power Sector*", as amended; article 2 and article 4 of Council of Minister Decision no. 244, dated 30.03.2016 as amended, "*Conditions for imposing public service obligation that shall be implemented to the licensee on power sector, which exercise the electricity production, transmission, distribution and electricity supply activity*"; article 4, point 1, letter "c"; article 5, point 1, letter "c"; article 13; article 17, points 1, 2, 4 and 5 of the "*Regulation on the procedures and terms for license issue, modification, transferring renewal or license removal on Power Sector*", approved with ERE Board decision no. 109, dated 29.06.2016, as well as article 15 of the "*Rules on ERE Organization, Operation and Procedures*", approved with ERE Board Decision no. 96, dated 17.06.2016, ERE Board on their meeting dated 11.10.2018, after reviewing the report prepared by ERE Technical Directories, on transferring the electricity supply license no.251, series P14FPP, approved with ERE Board Decision no. 97, dated 27.10.2014 and the universal service obligation for electricity supply of the "Electricity Distribution Operator" (OSHEE) company, approved with ERE Board Decision no.112, dated 08.07.2016 to the "Universal Service Supplier" (FSHU) company,

Observed that:

- OSHEE company with the official letter Protocol no. 7818, dated 27.04.2018, has submitted at ERE the documentation for license transferring/the licensing of the companies controlled by OSHEE company.

- With the official letter Protocol no. 2, dated 27.04.2018, the “Universal Service Supplier“(FSHU) company has submitted at ERE the request for transferring the electricity supply license from “OSHEE” company to the “Universal Service Supplier” (FSHU) company.
- The "Universal Service Supplier" (FSHU) company, is established with the joint-stock company status implementing Law no. 43/2015 “*On Power Sector*”, as amended; Law no. 9901, dated 14.04.2008 “*On Entrepreneurs and Companies*”, as amended and General Assembly Order Protocol no.157, dated 12.02.2018 of “OSHEE” company as the Founder Shareholder. The establishment date is 28.03.2018.
- ERE Board with Decision no. 122, dated 04.06.2018, decided to open the procedure for transferring the license of Universal Service Supplier for electricity of the Electricity Distribution Operator (OSHEE) company, approved with ERE Board Decision no. 97 dated 27.10.2014 valid until 27.10.2019, to the "Universal Service Supplier" (FSHU company).
- After the above mentioned decision, ERE implementing article 10, points 8 and 9 of the “*Regulation on the Procedures and Terms for License Issue, Modification, Transferring Renewal or License Removal on Power Sector* “, with the official letter Protocol no. 55/36, dated 13.06.2018, published the notification on the written media regarding the request made by the company.
- By the end of the term defined on article 10 point 11, of the above mentioned regulation, there was no objection or complaint from third parties, regarding this application.
- OSHEE company is licensed in retail electricity supply activity with ERE Board decision no. 97 dated 27.10.2014, and holds license no. 251, Series P14FPP.
- With the Official Letter Protocol no.7818, dated 27.04.2018, ERE protocol no. 355, dated 30.04.2018, “Submission of the documentation for transferring/licensing of the companies controlled by OSHEE company”, OSHEE company above all informs that “the staff transferring for this company “Universal Service Supplier” (FSHU), is in process. As consequence, the list of the staff according to their profile in conformity with the activity for which the license is required, shall be completed”.
- With the official letter Protocol no. 355/5 dated 09.08.2018, ERE required from the applicant to complete the documentation and with the official letter ERE Protocol no. 355/6 dated 03.09.2018, the “Electricity Distribution Operator” OSHEE company has submitted at ERE the missing documentation for the account of the “Universal Service Supplier” (FSHU) company.
- The application of FSHU company mainly completes the requirements provided by ERE on the “*Regulation on the Procedures and Terms for License Issue, Modification, Transferring Renewal or License Removal on Power Sector*” as follows:
 - The form and documentation for application (article 17, point 2, letter “a”, the form of application according to article 9, point 1, letters “a”, “b”, “c”) are completed correctly.
 - Legal, administrative and ownership documentation (article 17, point 2, letter “b”, the legal, administrative and ownership documents according to article 9, point 2, letters “a”, “b”, “c”, “d”, “e”) are mainly completed except of the staff list according to their profile in conformity with the activity for which the license is required.

- Financial and fiscal documentation, (article 17, point 2, letter “c”, the financial and fiscal documents according to article 9, point 3 letters “a”, “b”, “c”, “d”), are completed correctly.
- Article 17, point 4, letter “a”. (The application form according to article 9, point 1) is completed correctly.
- Article 17, point 4, letter “b”: (written information where are explained the reasons for the request of license transfer), is completed correctly.
- Article 17, point 4, letter “c”: (the written decision of the governing bodies of the licensee that express their will to require the license transfer), is completed correctly.

For all of the above mentioned
ERE Board,

Decided:

1. The license transferring of the Electricity Supply no. 251, Series P14FPP, approved with ERE Board Decision no. 97 dated 27.10.2014, valid until 27.10.2019 and the Universal Service Obligation for the electricity supply of the “Electricity Distribution Operator” (OSHEE) company, approved with ERE Board Decision no. 112, dated 08.07.2016, to the "Universal Service Supplier“ (FSHU) company,
 2. The "Universal Service Supplier“ (FSHU) company shall submit at ERE the staff list according to their profile in conformity with the activity for which the license is required, after the staff transfer for the "Universal Service Supplier“ (FSHU) company is completed, from the respective structure.
2. License and Market Monitoring Directory shall inform the applicant for ERE Board Decision.

This decision enters immediately into force.

This decision is published on the Official Gazette.

This decision may be complained on Tirana Administrative Court within 30 calendar days from the publication in the Official Gazette.

CHAIRMAN

Petrit AHMETI