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**“The activities of the Polish Energy
Regulator concerning dispute
resolutions between suppliers
and consumers of energy”**

Main competences of the Regulator:

Licensing

Tariff approval

Disputes Resolution

Monitoring of the energy enterprises end energy markets.

Main Reasons of disputes

- Refusals of grid connection,
- Refusals of concluding transmission contracts (TPA),
- Refusals of concluding supply contracts for electricity, gas and heat,
- Unjustified interruptions in energy supplies.

Public service obligations of energy enterprises performing transmission and distribution services.

1. Guaranteeing transmission services to all customers, based on equal treatment

but....

it cannot introduce disadvantageous changes in prices for customers who do not execute their TPA rights and...

Worsen the quality of services

2. Providing to all customers equal conditions for grid connections and electricity, gas and heat supplies

if...

there are technical conditions

there are economic conditions

and a prospective customer fulfils conditions of receiving supplies

Supplying of electricity, gas and heat is based on contracts.

- Suppliers cannot abuse dominant positions by enforcing unfavourable contractual conditions on customers.
- Suppliers have the right without cancellation of a contract to cut supplies to customers who violate contractual conditions.

Circumstances justifying disconnections of supplies:

- a customer does not pay for the supplied energy and does not react for calls to pay,
- an installation due to its technical defects may threaten health, life or environment,
- illegal consumption of energy (manipulation with meters, omissions of metering equipment, consumption of energy without concluding a contract).

When the circumstances of cutting supplies are eliminated a supplier must restore deliveries.

Dispute resolution procedure

Phase I - Proceedings before the Regulator.

Proceedings may only be initiated on request of parties involved:

- Customers,
- Suppliers,
- Generators.

Dispute resolution procedure (con):

Phase I (con.).

Resolutions concern:

- refusals of connections,
- refusals of concluding transmission contracts,
- refusals of concluding supply contracts.

Dispute resolution procedure (cont.):

Phase I - (con.).

A dispute may take place when:

- a supplier refuses to conclude a contract on the ground of the lack of economic or technical conditions or input possibilities,
- the parties involved are not able to agree detailed contractual conditions.

Dispute resolution procedure (con.)

Phase I - (con.).

In both mentioned cases:

**The Regulator is obliged to settle contract conditions
if**

**economic and technical requirements are met,
if not:**

**The Regulator decides that there is no obligation of energy
enterprise to conclude a contract.**

Dispute resolution procedure (con.):

Phase I - proceedings before the Regulator (con.).

How to understand:

- “the lack of technical conditions” - no grid, not enough capacity,
- “the lack of economic conditions” - supplies not profitable,
- “the lack of input conditions” - a customer has no access to grid metering installations.

Dispute resolution procedure (con.):

Phase I - (con.).

Unjustified cutting of supplies.

The Regulator must determine if at least one of the reason justifying cutting supplies occurred.

It means:

- delay in payments,
- illegal consumption,
- threat of health, life or environment.

Dispute resolution procedure (con.):

Phase I - (con.).

The Regulator may enforce the continuation or restoration of supplies until a dispute is settled.

If the Regulator states that the cut is not justified, his decision means that a customer may claim a compensation for losses incurred by suppliers' action.

Dispute resolution procedure (con.):

Phase II

Revocation procedure from Regulator's decisions.

Regulator's decisions may be actionable to Antimonopoly Court.

Dispute resolution procedure (con.):

Phase II (con.).

- Antimonopoly Court can change or repeal Regulator's decisions.

Decisions of Antimonopoly Court can be actionable to higher instance courts.

Higher instance sentences can be appealed to Supreme Court.

Dispute resolution procedure (con.):

Phase II (con.).

If a court revokes Regulators' decision, the Regulator is obliged to resolve the dispute again, following court's recommendations.

The Regulator can change his decision if he states that customer's complaint is justified.

Main reasons of disputes:

- Too high connection fees and monopolistic position abuse by grid companies,
 - Classification to improper tariff group,
- Rejection of illegal consumption accusations, formulated by suppliers,
 - Questioning of billing.

Disputes not resolved by the Regulator

- Demand to change routes of grids.
- Claims for compensation for grids placed on private property.
- Claims for compensation for violating conditions of contracts.

Thank You for attention.