

Date: 29 September 2017

MEDIA STATEMENT

NERSA COMMENCES WITH FORMAL INVESTIGATION OF SAWEA COMPLAINT AGAINST ESKOM

The National Energy Regulator of South Africa (NERSA) announced today that it has commenced with the formal investigation on the complaint lodged by the South African Wind Energy Association (SAWEA) against Eskom in October 2016. SAWEA alleges that Eskom is in breach of its licence conditions regarding the delay or refusal to sign certain Power Purchase Agreements.

The Energy Regulator appointed the Regulator Member primarily responsible for electricity regulation to chair the formal investigation on 25 May 2017. The panel held its first investigation hearing with the two affected parties (Eskom and SAWEA) on Thursday, 14 September 2017. However, the hearing was postponed to 29 September 2017, after hearing both parties on the application for postponement brought by Eskom and continued today. Eskom requested to be given sufficient time to prepare its submission. The Investigation Panel gave both parties five working days to file their submissions. The deadline for submission was close of business on 21 September 2017. Although SAWEA had already filed its written submission with NERSA, it was able to amend or update the submission.

The process underway is an investigation in terms of section 32(2) of the Electricity Regulation Act, 2006 (Act No. 4 of 2006) ('the ERA'). This process is different from the other processes of the Energy Regulator as it is a precursor to the Energy Regulator meeting where a report from this investigation would be tabled in terms of section 32(4) of the ERA. In this regard, the investigation hearing is confined to the two affected parties and is intended to allow them to make new or updated submissions to the panel as part of the formal investigation.

Regulator Members: Mr JRD Modise (Chairperson) Ms MMD Nkomo (Deputy Chairperson) *Mr C Forlee (Chief Executive Officer)
Mr Y Adam *Ms N Maseti Ms KR Mthimunye *Mr M Ncetezo Mr FK Sibanda
*Full-Time Regulator Members

NERSA is a Regulatory Authority established in terms of the National Energy Regulator Act, 2004 (Act No 40 of 2004)

The meeting of the Energy Regulator at which the report would be considered would be open to the public like any other meeting of the Energy Regulator. In terms of section 32(5) of the ERA, the Energy Regulator may, depending on the findings, refer the report to a tribunal, which will in turn deal with it in terms of section 18(2) of the ERA. The tribunal process may entail the adoption of the report by the tribunal and the issuing of a section 18(2) notice. The proceedings of the tribunal will be open to the public.

End.

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