

Ms Nicole Loser
Attorney
Centre for Environmental Rights
2nd Floor, Springtime Studios
1 Scott Road, Observatory
Cape Town
7925

Email: nloser@cer.org.za

Dear Ms Nicole Loser

**UPDATE ON THE COAL INDEPENDENT POWER (IPP) COAL-FIRED POWER STATIONS:
THABAMETSI AND KHANYISA**

Your letter dated 14 September 2017 on the above subject refers.

NERSA acknowledge receipt of your updates on the latest developments in relation to the Thabametsi and Khanyisa projects as contained in your letter. In relation to your request for NERSA's update on the status of the licence applications, NERSA would like to advise you that the Thabametsi application is still on hold until the Environmental Authorisation appeal process is finalised. NERSA can therefore not give you the anticipated date of the public hearing until the

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 Mthimunya *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)



appeal process as detailed in your letter is finalised and an Environmental Authorisation is granted. For the Khanyisa application, you rightfully indicated in your letter that the Water Use Licence (WUL) is not yet finalised. NERSA can therefore not proceed with this application. The applicant notified NERSA on 11 September 2017 that the WUL is not yet finalised and no indicative finalisation date was given to NERSA. NERSA is therefore unable to set and advise you of the public hearing date for this project as per your request. NERSA was not aware that you have instituted the judicial review proceedings for the Khanyisa project. In any case, NERSA will abide by the Court's decision. NERSA will however await for the court process to be finalised only if there is evidence that the matter is before the courts. This is to avoid prejudicing applicants by people who might not be having real intention to appeal the Environmental Authorisation decision to the courts.

NERSA noted your claim of court proceedings for other proposed coal fired generation facilities (including KiPower) based on environmental issues. NERSA does not have any applications from those generation facilities. NERSA only deals with licence applications submitted to it and cannot therefore comment on the proposed facilities that are mentioned in your letter.

For any clarification about the Minister of Energy's Media Statement of 1 September 2017, we refer you to the Minister of Energy.

Yours sincerely



Chris Forlee

Chief Executive Officer

Date: 14/11/2017