



**MINISTER
WATER AND SANITATION
REPUBLIC OF SOUTH AFRICA**

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Our ref: 1/11/2/2018/19/MM

Your ref: CER 54.3

Email: Mmkonyama@cer.org.za
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Mr M Mkonyama
Centre for Environmental Rights
Southpoint CNR, 87 De Korte Street
BRAMFONTEIN
2001

Dear Mr Mkonyama

PETITION TO LIFT THE SUSPENSION RELATING TO AN APPEAL SUBMITTED IN TERMS OF SECTION 148(1) OF THE NATIONAL WATER ACT, 1998 (ACT NO. 36 OF 1998) IN RESPECT OF THE WATER USE LICENCE ISSUED TO POWER KHANYISA THERMAAL POWER POINT STATION (PTY) LTD

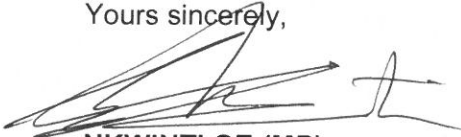
I refer to Power Khanyisa Thermal Power Point Station (Pty) Ltd (ACWA) petition to lift the suspension of the licence, pending the appeal, received on 07 September 2018, as well as the representation made by your Client (Appellant) indicating why, I should not lift the suspension, pending the appeal.

Having considered representations submitted by the Groundwork Trust (Appellant), and in compliance with the provisions of Section 3 of the Promotion of Administrative of Justice Act, 2000 (Act No. 5 of 2000), I am of the view that the issues raised by the Appellant in the appeal should be decided upon by the Water Tribunal . Consequently, I have decided to grant approval for the request to lift the suspension of your licence subject to the conditions attached to the Licence.

The reasons for my decision is that upon analysis of the application by ACWA and the response by the Appellant, I have taken into account that both parties indicated any prejudice will suffer if the suspension is not lifted. Furthermore, I am of the view that water forms part of fundamental human right recognised in section 27 of the Constitution. I have also taken into consideration that the delays to the Project completion may ultimately negatively affect energy supply as contemplated in the Integrated Resource Plan (IRP) for Electricity 2010-2030, which forms part of Government objectives.

Finally, it should be noted that the license is uplifted with conditions which the licence holder must comply with and any non-compliance may result in the withdrawal of such authorisation.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Nkwinti Ge', written over a horizontal line.

NKWINTI GE (MP)
MINISTER OF WATER AND SANITATION

DATE: 10/04/2019