

Khumo Lesele

From: Michelle Koyama
Sent: Wednesday, 05 August 2020 3:57 PM
To: IPP Office Information; projectoffice@ipp-coal.co.za
Cc: Robyn Hugo; Nicole Loser; Dimakatso Mary Sefatsa
Subject: PROPOSED MINISTERIAL DETERMINATIONS FOR NEW GENERATION CAPACITY
Attachments: CER letter to IPP office 9.12.2019.pdf; CER letter to IPP office 12.11.19.pdf; CER Letter to IPP Office 30 3 20.pdf

Good day

We refer to the correspondence below, and the various letters we have sent to your office. It has now been 3 months since your correspondence below and we have not received any response from the Department.

We would be grateful to receive an update.

In relation to the Khanyisa Project, in addition to the Environmental Authorisation (EA)'s expiry – to which we have alerted you, its Water Use Licence (WUL) has now been set aside by an appeal decision of the Water Tribunal on 21 July 2020. According to the Water Tribunal's decision, ACWA's public participation was held to be fatally flawed and as such, Khanyisa would have to conduct a fresh public participation process by 21 September 2020. As you are aware, in order to reach commercial and financial close, a valid WUL and EA are among the licences that need to be in place. Khanyisa has neither.

In light of the above, we look forward to hearing from you.

Kind regards

Michelle Koyama

Attorney

Centre for Environmental Rights NPC

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Centre for
Environmental Rights

Advancing Environmental Rights in South Africa

Report violations of environmental rights to the 24-hour Environmental Crimes & Incidents Hotline on **0800 205 005**. More reports of environmental violations assist in justifying more investment in more inspectors, and more enforcement of environmental laws. Numbers matter! Take the time to report violations, even if you have done so elsewhere. For more information about this CER campaign, visit <http://cer.org.za/news/numbers-matter-join-us-in-reporting-violations-of-environmental-rights>.

From: IPP Office Information [mailto:info@ipp-projects.co.za]

Sent: 07 May 2020 10:04

To: Nicole Loser <nloser@cer.org.za>; IPP Office Information <info@ipp-projects.co.za>; Project Office IPP-Coal <projectoffice@ipp-coal.co.za>

Cc: Robyn Hugo <rhugo@cer.org.za>; Michelle Koyama <mkoyama@cer.org.za>

Subject: RE: PROPOSED MINISTERIAL DETERMINATIONS FOR NEW GENERATION CAPACITY

Dear Nicole

We acknowledge receipt of your letter.

We are still engaged in discussions with other stakeholders with regards to your previous correspondence and your most recent letter will be included as part of those engagements. We also note that the issues raised in your most recent letter are similar to the issues raised in your most recent letter to the Department on the Determinations.

Therefore in our view the response from the Department will address the clarifications you have requested.

Kind regards

Project Officer: IPP Programme

From: Nicole Loser

Sent: 04 May 2020 10:55

To: Info@ipp-projects.co.za; projectoffice@ipp-coal.co.za

Cc: Robyn Hugo <rhugo@cer.org.za>; Michelle Koyama <mkoyama@cer.org.za>

Subject: RE: PROPOSED MINISTERIAL DETERMINATIONS FOR NEW GENERATION CAPACITY

Good day

We are following up on the attached letters, the most recent being our letter of 30 March 2020 in relation to the draft Ministerial determination for new generation capacity currently subject to a public consultation process by NERSA.

We continue to await your urgent response.

Kind regards

Nicole Loser

Attorney

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From: Nicole Loser

Sent: Monday, March 30, 2020 9:35 AM

To: Info@ipp-projects.co.za; projectoffice@ipp-coal.co.za

Cc: jacob.mbele@energy.gov.za; Thembeka.zuma@energy.gov.za; Robyn Hugo <rhugo@cer.org.za>; Michelle Koyama <mkoyama@cer.org.za>

Subject: PROPOSED MINISTERIAL DETERMINATIONS FOR NEW GENERATION CAPACITY

Good day

Please see the attached letter for your urgent attention.

Kind regards

Nicole Loser

Attorney

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