

"X" eves
5/7/2022

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

ON 05 JULY 2022, BEFORE THE HONOURABLE JUSTICE MILLAR J, AT COURT

6E

33

CASE NO: 51550/2021

In the matter between:

ESKOM HOLDINGS SOC LIMITED

and



Applicant

NATIONAL ENERGY REGULATOR OF SOUTH AFRICA

First Respondent

MINISTER OF MINERAL RESOURCES AND ENERGY

Second Respondent

MINISTER OF FINANCE

Third Respondent

SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION

Fourth Respondent

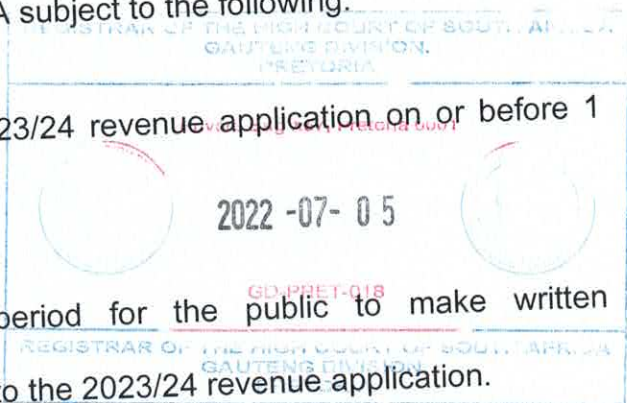
~~DRAFT ORDER~~

After reading the papers and hearing counsel for the applicant, it is ordered that:

- 1 Eskom's non-compliance with the Rules of Court relating to service and time periods and the practice manual of this Honourable Court be condoned and that this application be heard as one of urgency in accordance with Rule 6(12) of the Uniform Rules of Court.

[Handwritten signature]

- 2 The decision of the first respondent (“**NERSA**”) taken on 30 September 2021 and described in the notice of motion in this matter dated 14 October 2021 is reviewed and set aside.
- 3 Eskom’s revenue application for the 2023/24 financial year, submitted to NERSA on 2 June 2021, is to be decided by NERSA in accordance with the 2016 Multi Year Price Determination Methodology (“**the existing Methodology**”, on a timetable to be determined by NERSA subject to the following:
- 3.1 NERSA shall publish the 2023/24 revenue application on or before 1 August 2022.
- 3.2 NERSA shall provide a period for the public to make written representations in response to the 2023/24 revenue application.
- 3.3 After the deadline for written representations in response to the 2023/24 revenue application, NERSA shall convene public hearings on the 2023/24 revenue application.
- 3.4 NERSA shall make a final decision on 2023/24 revenue application on or before 24 December 2022.
- 4 The revenue application for 2024/25 shall be determined in terms of the Methodology which will be in existence at the time. This could include a methodology based on the amended Electricity Regulation Act and Electricity Pricing Policy or a methodology determined by NERSA after having completed the revision of the existing Methodology having regard to any other regulatory requirements for the industry.



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- 5 If NERSA publishes a new Price Determination Methodology and reviews all other related regulatory requirements for the industry by 30 September 2022, Eskom shall submit a revised 2024/25 revenue application by no later than 1 June 2023 to NERSA for consideration and approval by 20 December 2023.
- 6 Each party is to pay its own costs.

BY ORDER OF THE COURT



REGISTRAR

Adv for the Applicant: Adv S Maelane

0726731391

smaelane@clubadvocates.co.za

Attorney:

R Venter / L Malatji

Rventer@gminc.co.za / lmalatji@gminc.co.za

Representation for NERSA: No physical representation, order confirmed through a letter.



Lesedi Malatji

From: kganedi@pm-attorneys.co.za
Sent: 30 June 2022 11:21 AM
To: Vanessa Prinsloo; prince@pm-attorneys.co.za
Cc: Riaan Venter; Reham Shamout; Lesedi Malatji; Manfred Titus
Subject: RE: ESKOM / NATIONAL ENERGY REGULATOR OF SOUTH AFRICA & OTHERS
Attachments: Eskom v Nersa 51550-2021 Letter 30 June 2022.pdf

Good day,

Please find attached correspondence for your attention.

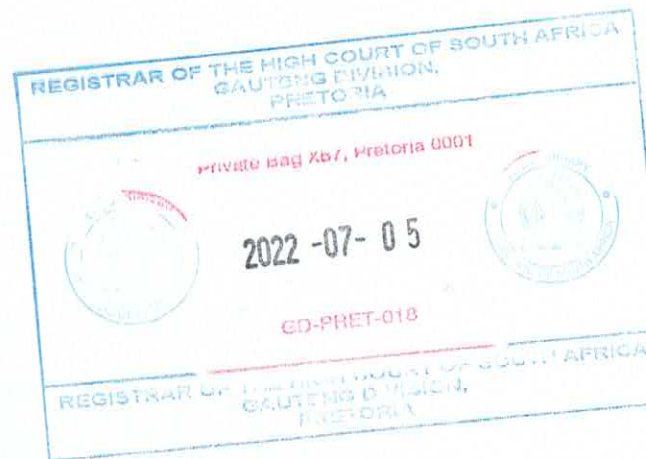
Kind Regards,

Kganedi Mashabathakga



Prince Mudau & Associates
ATTORNEYS, NOTARIES AND CONVEYANCERS

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From: Vanessa Prinsloo <VPrinsloo@gmnc.co.za>
Sent: Thursday, 30 June 2022 9:22 AM
To: kganedi@pm-attorneys.co.za; prince@pm-attorneys.co.za
Cc: Riaan Venter <RVenter@gmnc.co.za>; Reham Shamout <RShamout@gmnc.co.za>; Lesedi Malatji



TO: GILDENHUYS MALATJI INC.

Your Ref: Riaan Venter / Reham Shamout 01826450

Via email: VPrinsloo@gminc.co.za

Our Ref: PM/NER-001/21

Date: 30 June 2022

Dear Sir/Madam

RE: ESKOM V NERSA - CASE NO: 51550/2021

1. We refer to the above matter which is set down for hearing on 05 July 2022.
2. We confirm our client's instructions to give you a formal undertaking that it does not oppose the relief sought in full and final settlement of disputes in these proceedings as per agreement between the parties in terms of the proposed draft order.
3. We trust you find the above in order and look forward to hearing from you.

Yours faithfully:

Prince Mudau & Associates

(sent electronically, thus unsigned)

Per: prince@pm-attorneys.co.za

