

## **INVITATION FOR WRITTEN STAKEHOLDER COMMENTS ON THE ESKOM'S FIFTH MULTI YEAR PRICE DETERMINATION (MYPD5) APPLICATION FOR THE 2022/23, 2023/24 AND 2024/25 FINANCIAL YEARS**

The National Energy Regulator of South Africa (NERSA) is a regulatory authority established as a juristic person in terms of Section 3 of the National Energy Regulator Act, 2004 (Act No. 40 of 2004). NERSA's mandate is to regulate the electricity, piped-gas and petroleum pipelines industries in terms of the Electricity Regulation Act, 2006 (Act No. 4 of 2006), Gas Act, 2001 (Act No. 48 of 2001) and Petroleum Pipelines Act, 2003 (Act No. 60 of 2003).

Eskom approached the High Court seeking semi-urgent relief for the court to direct NERSA to consider Eskom's revenue application for the 2022/2023 financial year and for the court to set the timelines for processing the application in terms of the Fourth Multi-Year Price Determination (MYPD4) methodology. Eskom further sought judicial review to set aside the decision of the Energy Regulator taken on 30 September 2021 to reject Eskom's MYPD5 revenue application for the financial years 2022/23, 2023/24 and 2024/25.

On 3 December 2021, the High Court issued a court order directing NERSA to consider Eskom's revenue application for the 2022/2023 financial year as per the timelines provided in tables 1 and 2 below.

On 8 December 2021, the Energy Regulator published a consultation paper together with the MYPD5 revenue application as per court order. The documents are available on the NERSA website under Electricity>Consultation>documents or click the links ([http://www.nersa.org.za/wp-content/uploads/2021/12/Eskom-Holdings-Summary-Submission\\_MYPD5.pdf](http://www.nersa.org.za/wp-content/uploads/2021/12/Eskom-Holdings-Summary-Submission_MYPD5.pdf) and [http://www.nersa.org.za/wp-content/uploads/2021/12/Consultation\\_paper - Eskom 5th MYPDR application 2023 2025 Compressed.pdf](http://www.nersa.org.za/wp-content/uploads/2021/12/Consultation_paper_-_Eskom_5th_MYPDR_application_2023_2025_Compressed.pdf))

NERSA will collate all comments received, which will be taken into consideration when the decision is made. NERSA will also hold public hearings using any acceptable public consultation mechanism in line with the COVID-19 restrictions and applicable government regulations; wherein presentations may be made by interested and affected parties. The process for the consultation and decision-making are as follows:

**Table 1: Indicative timelines for the decision-making process**

Activity	Timeline
Publication of the consultation paper and Eskom's revenue application to solicit written stakeholder comments	8 December 2021
Closing date for stakeholder comments on the consultation paper on Eskom's revenue application	14 January 2022
Microsoft Teams public hearings	17 – 21 January 2022 (see details in Table 2)
Special ELS meeting to recommend the draft decision and reasons for decision	2 February 2022
Energy Regulator decision	25 February 2022

Table 2 below indicates the dates for the public hearings on Eskom's revenue application for the 2022/2023 financial year.

**Table 2: Public hearing indicative dates and venues**

PROVINCE	VENUE	DATE
Western and Eastern Cape	Virtual public hearing	17 January 2022
KwaZulu-Natal	Virtual public hearing	18 January 2022
Free State, Mpumalanga and Limpopo	Virtual public hearing	19 January 2022
Northern Cape and North West	Virtual public hearing	20 January 2022
Gauteng	Hybrid public hearing (physical public hearing in Midrand and virtual meeting)	21 January 2022

\*The dates of the public hearings might be extended/reviewed depending on the number of presenters registered.

Stakeholders are requested to comment in writing on the Consultation Paper for Eskom's MYPD5 revenue application. Written comments can be forwarded to [mypd@nersa.org.za](mailto:mypd@nersa.org.za) ; hand-delivered to Kulawula House, 526 Madiba Street, Arcadia, Pretoria, or posted to PO Box 40343, Arcadia, 0083, Pretoria, South Africa. The closing date for the submission of comments is **14 January 2022 at 16:00**.

For more information and queries on the above, please contact Mr Thilivhali Nthakheni or Ms Lehuma Masike at Tel: 012 401 4025/4724 or Fax: 012 401 4700

