

Wind industry appeals for transparency

South African Wind Energy Association (SAWEA) and its legal counsel have strongly objected to both Eskom's lack of engagement and the National Energy Regulator of South Africa's (Nersa's) refusal to open a September 2017 hearing to the public, which is inconsistent with South Africa's constitutional principles of openness, transparency and fairness, as well as Nersa's own legislation.



SAWEA declared a power procurement dispute in October 2016, requesting the regulator to undertake an investigation into Eskom's continued unwillingness to fulfil its mandate as purchaser of power duly procured by the Department of Energy. In March 2017, Nersa responded to this complaint and launched a formal investigation into Eskom's conduct. A hearing for both parties to make submissions was scheduled for 14 September 2017.

The hearing began on two disappointing notes, according to SAWEA, firstly, Eskom arrived with a plea for postponement, citing "communications challenges" that had prevented the utility from adequately preparing its submissions, both written and verbal, despite several correspondences between Nersa and the parties, clearly indicating the timeframes to be adhered to. Secondly, Nersa had declared the hearing closed to the public, and would not allow members of media to join the hearing.

SAWEA and its legal counsel objected strongly to both these points, arguing that in the first case Eskom had had a total of eleven months to take the necessary steps to engage with this matter, and that in the second case, refusing to open the hearing to the public would be inconsistent with constitutional principles of openness, transparency and fairness, as well as Nersa's own legislation.

The hearing that was meant to take place eleven months after SAWEA's complaint was first submitted, was postponed by two weeks. It is worth noting that Nersa cautioned Eskom to adhere to this timeframe, given the prejudice already suffered by those whose interests SAWEA represents.

SAWEA is disappointed that Eskom has not taken seriously the major negative effects of the ongoing delay on South Africa's young renewable energy industry. It is an indication of the depth of poor governance at Eskom, that such a serious matter has suffered the fate of being a casualty of "communications challenges" at Eskom.

The reasons provided by Eskom for its long-standing refusal to honour duly procured power purchases must surely be deemed to be in the national interest. SAWEA hopes that Nersa will recognise that accountability.

Contact Brenda Martin, SAWEA, Tel 011 214-0660,
brenda@sawea.co.za ❖