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“URGENT”

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15 March 2022

Dear Adv. Sithole

**Re: NERSA PUBLIC HEARINGS
KARPOWERSHIP (PTY) LTD GAS LICENSE APPLICATIONS
(Various – see Annexure 1 for details and references)**

We write to you on behalf of our client, the Green Connection.

On 5 March 2022, the Green Connection submitted comments on and objections to various gas license applications submitted by Karpowership SA Saldanha Bay (Rf) Proprietary Limited, Karpowership SA Coega (Rf) Proprietary Limited, Karpowership SA Richards Bay (Rf) Proprietary Limited and Karpowership SA Fuel Services Company (Pty) Ltd.

Our client was alarmed to discover today that NERSA has invited members of the public and stakeholders to attend and/or make oral representations at an online (MS Teams) public hearing scheduled for 18 March 2022 to consider the various Karpowership companies' gas license applications.

Notwithstanding that our client submitted substantive comments and objections, no prior notification was received by the Green Connection from NERSA regarding the planned 18 March 2022 public hearing. Our client only became aware of the planned public hearing on 15 March 2022, when a copy of a notice published in a newspaper was circulated social media. This notice also refers to the NERSA website where draft license conditions for the various applications have been made available.

This notice is wholly inadequate, and violates our client's (and the public's) right to procedurally fair administrative action.

We point out that Rule 16 of the Gas Rules¹ provides as follows regarding energy regulator decisions affecting the public:

Energy Regulator decisions affecting the public

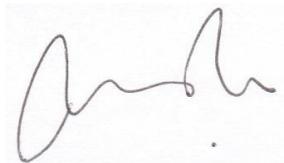
- (1) **For any administrative action which might materially and adversely affect the rights of the public, the Energy Regulator will follow the procedure outlined in section 4 of the Promotion of Administrative Justice Act and Regulations made in terms thereof, including a consultation period of at least 30 days with interested and affected persons.**
- (2) Where the Energy Regulator chooses to hold a public hearing as contemplated in Regulation 11 of the Regulations made in terms of the Promotion of Administrative Justice Act, **the Energy Regulator must give notice of the public hearing at least 14 days before the date of the hearing.**
- (3) For all other decisions of the Energy Regulator which do not constitute an administrative action as defined in the Promotion of Administrative Justice Act but which may affect or are of interest to other persons, the Energy Regulator must allow such interested and affected persons a consultation period of at least 14 days.
- (4) Written representations submitted in terms of this Rule 16 must be submitted together with an affidavit signed by the submitter or a mandated representative confirming that the information submitted is true and correct.
- (5) At the close of each consultation process, all representations received will be considered in taking a decision and compiling reasons therefor.
- (6) A non-confidential version of any such decision and reasons will be published on the Energy Regulator's website.

In light of the above, the Green Connection calls upon NERSA to reschedule and re-advertise the public hearings to ensure that adequate notice is provided to itself and members of the public.

The Green Connection also calls upon NERSA to ensure that local communities (and in particular vulnerable and historically disadvantaged communities) that may be directly impacted by the gas licensing decisions are given adequate opportunity to participate in the public hearings.

The Green Connection reserves its rights to seek appropriate relief.

Yours sincerely



Adrian Leonard Pole

¹ GN470 of 28 May 2021.

Annexure 1

SUBJECT MATTER	APPLICANT	FACILITY LOCATION
Application for a licence to operate a gas storage facility (Gala.s.F3/1738/2021)	Karpowership (Pty) Ltd	Port of Richards Bay
Application for a licence to operate a gas regasification facility in the (Gala.r.F3/1737/2021)	Karpowership (Pty) Ltd	Port of Richards Bay
Application for a licence to construct a gas distribution facility (Gala.d.F1/1742/2021)	Karpowership (Pty) Ltd	Port of Richards Bay
Application for a licence to operate a gas distribution facility (Gala.d.F3/1742/2021)	Karpowership (Pty) Ltd	Port of Richards Bay
Application for a licence to operate a gas storage facility (Gala.s.F3/1739/2021)	Karpowership (Pty) Ltd	Port of Ngqurha
Application for a licence to operate a gas regasification facility (Gala.r.F3/1735/2021)	Karpowership (Pty) Ltd	Port of Ngqurha
Application for a licence to construct a gas distribution facility (Gala.d.F1/1744/2021)	Karpowership (Pty) Ltd	Port of Ngqurha
Application for a licence to operate a gas distribution facility (Gala.d.F3/1744/2021)	Karpowership (Pty) Ltd	Port of Ngqurha
Application for a licence to operate a gas storage facility (Gala.s.F3/1740/2021)	Karpowership (Pty) Ltd	Port of Saldanha
Application for a licence to operate a gas regasification facility (Gala.r.F3/1736/2021)	Karpowership (Pty) Ltd	Port of Saldanha
Application for a licence to construct a gas distribution (Gala.d.F1/1746/2021)	Karpowership (Pty) Ltd	Port of Saldanha
Application for a licence to operate a gas distribution facility (Gala.d.F3/1747/2021)	Karpowership (Pty) Ltd	Port of Saldanha
Application for a licence to trade (Gala.tr.F1/1748/2021)	Karpowership (Pty) Ltd	Ports of Saldanha, Coega and Richards