

29 October 2021

MEDIA STATEMENT

NERSA TO OPPOSE ESKOM'S HIGH COURT APPLICATION TO REVIEW THE ENERGY REGULATOR'S DECISION ON ESKOM'S FIFTH MULTI-YEAR PRICE DETERMINATION REVENUE APPLICATION

The National Energy Regulator of South Africa (NERSA) confirms today that it has resolved to oppose the High Court application brought by Eskom Holdings SOC Limited ('Eskom') against NERSA. Eskom is seeking relief that the court should order NERSA to consider Eskom's Fifth Multi-Year Price Determination (MYPD5) revenue application for the 2022/23, 2023/24 and 2024/25 financial years and for the court to set the timelines for the processing of the MYPD5 revenue application. Eskom is also seeking a judicial review to set aside the decision of the Energy Regulator, taken on 30 September 2021, to reject Eskom's MYPD5 revenue application.

In arriving at the decision to oppose the application, NERSA considered the factual matrix, applicable regulatory and legal principles involved and whether we have a defensible case against the allegations. NERSA further considered the impact of Eskom court application on the future exercise of regulatory powers on tariff determination and the ability to achieve the objectives of the Electricity Regulation Act, 2006.

End.

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