

The People's Determination

[Based on the wording of the actual previous Ministerial determination from 2020:
https://www.gov.za/sites/default/files/gcis_document/202007/43509gon753.pdf]

We the people - civil society groups, grassroots organisations, and independent experts - recognising the ongoing failure of the Minister of Mineral Resources and Energy "to ensure the continued uninterrupted supply of electricity" as required of the Minister under section 34(1) of the Electricity Regulation Act, 2006 (Act No. 4 of 2006)(ERA) have therefore determined as follows:

1. That new generation capacity is urgently needed to ensure the continued uninterrupted supply of electricity and to contribute towards energy security and end the load-shedding crisis, accordingly, as per Table 5 of the Integrated Resource Plan for Electricity 2019 - 2030 (published as GN1360 of 18 October 2019 in Government Gazette No. 42784) ("IRP 2019"):
 - 1.1. 13,600 MW should be established from a combination of wind energy and solar photovoltaic technology, and;
 - 1.2. 1,575 MW of storage capacity should be established.
 - 1.3. The target date for connection to the grid should be as soon as reasonably possible, but no later than July 2024.
 2. Electricity produced from the new generation capacity ("the electricity") shall be established through one or more tendering procedures which are fair, equitable, transparent, competitive, cost-effective and expedited within the existing procurement framework under the Electricity Regulation Act.
 3. Due to the urgent need to address the electricity crisis, the timetable set out in Table 5 of the IRP 2019 should be brought forward.
 4. If the electricity is sold, it may only be purchased either by Eskom Holdings SOC Limited, or by a municipality.
 5. The procurer of the new generation capacity will be either Eskom, municipalities which are in good financial standing, or the Independent Power Producer (IPP) office within the DMRE
 - 5.1. once NERSA concurs with this determination, Eskom will have priority and shall declare within four weeks of the date of concurrence how much of the capacity specified in this determination they will commit to procuring;
 - 5.2. thereafter, within a further two weeks, municipalities may commit to procure some or all of the remaining capacity
 - 5.3. thereafter, the remaining capacity, if any, will be made available for IPPs to the IPP office to procure. This process shall be treated as urgent and expedited to be concluded as rapidly as possible.
 6. The role of the procurer will be to conduct the procurement programmes, including preparing any requests for proposals and/or related and associated documentation, negotiating the power purchase agreements if necessary, facilitating the conclusion of the other project agreements, and facilitating the satisfaction of any conditions precedent to financial close which are within its control.
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