

Enquiries: Welile Mkhize  
Direct Tel: 012 401 4794  
Fax: 012 401 4781  
Email: [Welile.mkhize@nersa.org.za](mailto:Welile.mkhize@nersa.org.za)  
Our Ref: NERSA/SSEG/352/2024/71518

Ms Boitumelo Mvundle  
**Green Gate Energy (Pty) Ltd**  
Portion 1,  
Farm Steenbokpan  
295 LQ and,  
Portion 1,  
Farm Slangkop  
LQ 296

Email: [boitumelo.mvundle@solarafrica.com](mailto:boitumelo.mvundle@solarafrica.com)

Dear Ms Mvundle

## **GREEN GATE ENERGY (PTY) LTD APPLICATION FOR GENERATION REGISTRATION CERTIFICATE**

The National Energy Regulator of South Africa (NERSA) is pleased to advise that on 18 September 2024, the Energy Regulator approved your registration application to operate a generation facility. Accompanying this letter are the Decision and Reasons for Decision documents as well as the registration certificate.

Kindly peruse the Decision and Reasons for Decision documents and confirm, within 14 days of receipt of this letter, the correctness of the details on the registration certificate, according to your generation facility.

For any further enquiries, please contact Mr Welile Mkhize at the contact details provided above.

Yours sincerely



Adv. Nomalanga Sithole  
**Chief Executive Officer**

Date: 30/09/2024

### **Regulator Members:**

Mr T Bukula (Chairperson) Ms Z Mpungose (Deputy Chairperson) \*Adv NP Sithole (Chief Executive Officer)  
\*Mr N Gumede \*Ms N Maseti \*Mr MW Mkhize Ms T Semane Mr FK Sibanda Ms PN Sibiya  
\*Full-Time Regulator Members

**Registration Certificate Number: NERSA/SSEG/352/2024/71518**  
**CERTIFICATE FOR THE OPERATION OF A GENERATION FACILITY**

This Certificate is issued by the National Energy Regulator of South Africa, hereinafter referred to as “NERSA”, in terms of the Electricity Regulation Act, 2006 (Act No. 4 of 2006).

This Registration Certificate is issued to

**GREEN GATE ENERGY (PTY) LTD**

*(Company Registration no: 2023/894839/07)*

hereinafter referred to as “the Registrant”, only for the purpose of the operation of the Generation Facility referred to in Schedule 2.

The operation of the Generation Facility permitted under this registration is subject to the conditions listed in Schedule 1.

ISSUED at Pretoria on this **18<sup>th</sup>** day of **September 2024**.



**CHIEF EXECUTIVE OFFICER**  
**NATIONAL ENERGY REGULATOR OF SOUTH AFRICA**



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## Schedule 1: Registration conditions

### 1 Definitions and interpretation

- 1.1 The following terms as defined hereunder will be used in these registration conditions, terms not defined must carry similar meaning as in the Electricity Regulation Act, 2006 (Act No. 4 of 2006):

<b>Agent</b>	means a representative of the owner of generation facility such as a developer;
<b>Approvals</b>	means any permission, permit, approval, consent, certificate, authorisation, registration, grant, acknowledgement, exemption or agreement to be obtained from any Competent Authority by the Registrant under any law to enable the Registrant to undertake its obligations in respect of the Facility;
<b>Capacity</b>	means, in respect of a Unit or the Facility, at any time and from time to time, the capacity (expressed in MW) of such Unit, or the Facility;
<b>Codes</b>	means as applicable, any code in respect of electricity distribution or transmission as published by NERSA from time to time;
<b>Commercial Operation Date (COD)</b>	means the date upon which the Facility has been Commissioned and is operating commercially;
<b>Commissioned</b>	means the passing of commissioning test of the Facility;
<b>Connection Agreement</b>	means the Distribution Agreement, between the generation facility and the Distributor;
<b>Control</b>	means the power, directly or indirectly, to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities or any interest carrying voting rights, or to appoint or remove or cause the appointment or removal of any directors (or equivalent officials) or those of its directors (or equivalent officials) holding the majority of the voting rights on its board of directors (or equivalent body), whether by contract or otherwise;
<b>Change in Control</b>	means any change whatsoever in Control, whether effected directly or indirectly, excluding any change of Control in respect of a company listed on a stock exchange;
<b>Distribution System</b>	means a distribution network of any Distributor which operates at a nominal voltage of 132 kV or less and the system may be refurbished, modified, extended or developed from time to time during the Term (but, for the avoidance of doubt, not including any private network used by the Facility or customers of any Distributor);
<b>Distributor</b>	means a person who distributes electricity;

<b>Energy Regulator/ NERSA</b>	means the National Energy Regulator of South Africa, established in terms of the <i>National Energy Regulator Act, (Act No. 4 of 2004)</i> , or its legal successor;
<b>Facility</b>	means the generation facility comprising all plant, machinery and equipment, all associated buildings, structures, roads that are not national, provincial or municipal roads, and other appurtenances, together with all required interfaces constructed for the safe, efficient and timely operation of that facility, including all Facility Connection Works and, for the avoidance of doubt, excluding the Transmission Connection Works or Distribution Connection Works, as the case may be;
<b>Generation</b>	means the production of electricity by any means, and <b>generate</b> and <b>generating</b> have corresponding meanings;
<b>Generation Facility</b>	means the generation facility referred to in Schedule 2 of this certificate;
<b>Generator</b>	means a person who generates electricity;
<b>Registrant</b>	means <b>Green Gate Energy (Pty) Ltd</b> ;
<b>Regulations</b>	means the Electricity Regulations issued by the Department of Mineral Resources and Energy (DMRE) in terms of the Act;
<b>Rules</b>	means Rules made by NERSA in terms of the Act;
<b>System</b>	means, as applicable, the Distribution System;
<b>Term</b>	means duration of registration or period within which a registration is in force;
<b>The Act</b>	means the <i>Electricity Regulation Act, 2006 (Act No 4 of 2006)</i> ;
<b>Unit</b>	means a separate electricity generating unit or section (comprising multiple units) forming part of the Facility, which is or are capable of generating and delivering Energy to the Buyer at the Delivery Point, and "Units" means all or any combination of them;

## **2 Interpretation**

In these Registration conditions, unless otherwise specified:

- 2.1 Words and phrases must have the meaning ascribed to them in the Act;
- 2.2 Words of phrases importing the singular must include the plural and vice versa;
- 2.3 Headings are for convenience only and must not affect the interpretation of the Registration;
- 2.4 Any reference to a document or a provision of a document includes an amendment or supplement to, or a replacement of, that document or that provision of that document;
- 2.5 Any reference to a numbered section is a reference to the section bearing that number in which the reference occurs;
- 2.6 In the computation of time, where there is a reference to a number of days between events, they must be counted by excluding the day on which the first event happens and including the day on which the second event happens and where the time for doing an event expires on a holiday, the event may be done on the next day that is not a holiday.

## **3 Term of Registration**

- 3.1 The certificate is valid indefinitely from date of issue, until such time that the operation of the generation facility is terminated or discontinued for whatever reason;

## **4 Registration activities**

- 4.1 The certificate is issued to operate the Generation Facility stipulated in Schedule 2.

## **5 Prohibited activities**

- 5.1 The Registrant must not increase the installed capacity as set out in Schedule 2.
- 5.2 The Registrant must not change the generating process of the Generation Facility without the approval of the Energy Regulator.
- 5.3 The Registrant must not sell electricity from the Generation Facility, without the approval of the Energy Regulator.

## **6 Standard performance**

The Registrant must:

- 6.1 keep this certificate or a copy at its business premises;
- 6.2 comply with provisions of the Act, Rules, guidelines, directives and standards issued by NERSA from time to time;
- 6.3 comply with the Regulations issued by DMRE from time to time;
- 6.4 save for exemptions approved by the Energy Regulator, comply with the provisions of the Codes;
- 6.5 comply with restrictions and conditions imposed by any relevant government department, agency and/or authority during the operation of the Generation Facility.

## **7 Provision of information**

The Registrant must maintain records of the operation of the Generation Facility and provide, in the manner and form prescribed by NERSA, such information and documents as NERSA may require from time to time.

## **8 Health and safety**

The Registrant must comply with health and safety legislation, subordinate legislation and such other requirements as may be applicable.

## **9 Environmental**

The Registrant must comply with applicable environmental legislation, subordinate legislation and such other requirements as may be applicable.

## **10 Inspection(s)**

The Registrant must:

- 10.1 consent to inspection at all reasonable times to be conducted by NERSA or authorised persons on its behalf for the purpose of compliance monitoring of registration conditions stipulated herein.
- 10.2 allow any person authorised by the Energy Regulator to inspect the Generation Facility and must render all necessary assistance to such person.

## **11 Investigation(s)**

- 11.1 The Registrant must consent at all reasonable times for investigations to be conducted by NERSA or authorised person on its behalf for the purpose of the Act.
- 11.2 On completion of an investigation the Energy Regulator may:
  - (1) act on such a report and/or its findings in accordance with the provisions of the Act; and
  - (2) refer its report on investigation to the Director of Public Prosecutions of the area concerned.

## **12 Assignment of Certificate**

- 12.1 The Registrant must not assign, cede or transfer this Certificate or any power or duty granted or imposed under this Certificate, to any other person without the prior written consent of the Energy Regulator.

## **13 Change in control of Registrant**

- 13.1 The Registrant must ensure that there is no Change in Control of the Registrant unless such Change in Control has been noted by the Energy Regulator.
- 13.2 The Registrant must at all times notify NERSA of the details of any changes in its registered name, operation status of the Generation Facility, registered address and other contact details.

## **14 Amendment of Certificate**

This Certificate may be amended by NERSA in accordance with the provisions of the Act and the Rules.

## **15 Expansion of Generation Facility**

- 15.1 The Registrant must ensure that there is no expansion of generation facility unless such expansion of generation facility has been approved by the Energy Regulator.

## **16 Selling of Electricity**

- 16.1 The generation facility is registered for own use, selling of electricity from the generation facility is prohibited unless such arrangement is approved by the Energy Regulator.

## **17 Correspondence with NERSA**

- 17.1 All official communication with NERSA must be in writing, unless directed otherwise by NERSA.
- 17.2 Such communication may be sent by any means possible including post, fax, email and/or hand delivery.
- 17.3 The Registrant must, in all its correspondence with NERSA, quote the registration certificate number, as it appears on its registration certificate.



## Schedule 2: Details of the Generation Facility

Generating Station	Location	Type	Installed Capacity (MW)
SolarAfrica Vangpan 1 (PTY) Ltd	Portion 1, Farm Steenbokpan 295 LQ and, Portion 1, Farm Slangkop LQ 296, South Africa	Solar PV	40 MW



In the matter regarding an

**APPLICATION FOR REGISTRATION TO OPERATE A GENERATION FACILITY**

By

**GREEN GATE ENERGY (PTY) LTD**

Application No: NERSA-1532172523-71518

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**DECISION**

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Based on the available information and an analysis of the application for registration to operate a generation facility, the Energy Regulator on **18 September 2024**:

1. **approved** that **GREEN GATE ENERGY (PTY) LTD** be issued with a registration certificate to operate a 40 MW solar PV generation facility located at Portion 1, Farm Steenbokpan, 295 LQ and, Portion 1, Farm Slangkop, LQ 296, South Africa, subject to the registration certificate conditions imposed; and
2. **approved** the Decision and Reasons for Decision document.

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## REASONS FOR DECISION

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### INTRODUCTION

1. On 17 January 2023, the Minister of Mineral Resource and Energy repealed all antecedents Licensing Exemption and Registration Notices, and replaced them with the Notice that was published in the Government Gazette No. 47877, Vol. 691 ('the Notice').
2. The unique feature of the Notice is the removal of the registration threshold, for the registration of generation facility with or without energy storage, irrespective of size or capacity. All generation facilities irrespective of size or capacity and with a point of connection on the transmission or distribution power system are exempted from the licensing requirement, regardless of the type of technology used.
3. The core of the Notice is that the licensed distributor/network service provider must assess the requests to operate the facility within its licensed area for purposes of connecting to its network and approve the connection request. If the licensed distributor does not approve the connection request, NERSA cannot register the facility.

### THE APPLICATION

4. On 23 August 2024, Green Gate Energy (Pty) Ltd submitted an application for the operation of a 40 MW solar PV generation facility located at Portion 1, Farm Steenbokpan, 295 LQ and, Portion 1, Farm Slangkop, LQ 296, South Africa.
5. On 04 September 2024, Green Gate Energy (Pty) Ltd, paid the registration fee of R200 in fulfilment of section 9(2) of the Electricity Regulation Act, 2006 (Act No. 4 of 2006), read with rule 35.
6. Green Gate Energy (Pty) Ltd is the facility owner on the application for registration of the small scale embedded generation (SSEG) and will operate the system as agreed with the licensed distributor.

7. Table 1 below provides the details of the application:

Table 1: Details of the application

Green Gate Energy (Pty) Ltd PV plant	
Technology of Gen facility	Solar
Investment cost of gen facility	R 4 938 000.00
Operations and Maintenance cost per annum	R 59 256.00
Installed capacity (AC) MW	40
Contracted Capacity (AC) (MW)	40
The planned megawatts (MWh) generated annually	99258.66
Capacity Factor of the plant	31,75%
The life span of the plant	20 years
GENERATION FACILITY POINT OF CONNECTION (POC)	
Name of the substation (If applicable)	N/A
Pole number	N/A
Voltage levels in POC	132/11kV, 400V
Network Owner	Eskom SOC Ltd

8. The application complies with all the requirements, as stated in the legislation, and the application assessment followed the approved procedure.
9. The following documents accompanied the licence application form:
- 9.1 connection agreement; and
  - 9.2 proof of payment of the R200.00 registration fee.

## THE APPLICANT

10. Green Gate Energy (Pty) Ltd is incorporated under the laws of South Africa with the following company registration number: 2023/894839/07.

## APPLICABLE LAW

11. The legal mandate for the Energy Regulator to issue an electricity generation certificate is derived from the following Acts:
- 11.1 The Electricity Regulation Act, 2006 (Act No. 4 of 2006); and
  - 11.2 The National Energy Regulator Act, 2004 (Act No. 40 of 2004).

## **CONCLUSION**

12. From a conspectus of the facts and evidence, the application by Green Gate Energy (Pty) Ltd to operate its 40 MW solar PV generation facility is in compliance with the requirements of the Electricity Regulation Act, 2006 (Act No. 4 of 2006) and the National Energy Regulator Act, 2004 (Act No. 40 of 2004). It is thus appropriate to make the decision as set out above.