

Ons verwysing/Our reference: MR HJ MOOLMAN / AF / MAT10211
U verwysing/Your reference: URGENT!

15 August 2023

URGENT!

**TO: ESKOM HOLDINGS SOC LIMITED
C/O THE CHIEF EXECUTIVE OFFICER**

**BY E-MAIL: TitusRJ@eskom.co.za;
AND: Calib.Cassim@eskom.co.za**

**AND TO: ESKOM NORTHWEST PROVINCE VIA E-MAIL
C/O: K MOKALA
C/O: L MAZAN**

BY E-MAIL: MokalaK@eskom.co.za

BY E-MAIL: MazanL@eskom.co.za

**CC TO: THE MUNICIPAL MANAGER / ADMINISTRATOR
DITSOBOTLA LOCAL MUNICIPALITY**

**BY E-MAIL: tshididube@gmail.com
AND: moiloag24@gmail.com
AND: shematsietsi@yahoo.com
AND: moserwkw@gmail.com
AND: thandiwempame@gmail.com**

**CC TO: THE MEMBER OF THE EXECUTIVE COUNCIL
COOPARTIVE GOVERNANCE AND TRADITIONAL AFFAIRS
NORTHWEST PROVINCE**

**BY E-MAIL: motshabi@nwpg.gov.za;
AND: Tebogo.Motlashuping@cogta.gov.za;
AND: MMotlogelwa@nwpg.gov.za;
AND: MandisaMB@cogta.gov.za
AND: info@cogta.gov.za**

**CC TO: THE OFFICE OF THE PREMIER
NORTHWEST PROVINCE**

BY E-MAIL: MGasemene@nwpq.gov.za

Sir/Madam,

SWITCHING ON THE REPLACEMENT OF THE VANDALISED TRANSFORMER

1. We refer you the matter above and our previous correspondence herein and wherein a deadline for a response was stipulated for 16 August 2023 at 14:00.
2. We record that have not yet received any response to our correspondence.
3. We have now received instructions that between 11:00 and 12:00 today (15 August 2023) that Transformer 1 (the transformer that has been operational and that was not vandalised) was switched off and that Transformer 2 (the replacement transformer and that was installed between 5 and 9 August 2023) was switched on in accordance with our clients' demands. Transformer 2 is therefore now fully operational and capable to provide electricity.
4. Our client's local representatives were also informed that the reason advanced for switching off Transformer 1 is attributable to intended repairs to such transformer because of an oil leak. It is significant to note the coincidence and timing of the newly found desire to conduct repair work and in doing so to cause the extended harm inflicted on our clients' members and the residents of Lichtenburg in general.
5. We submit that whilst this decision reveals that the failure to switch on Transformer 2 after its installation on 9 August 2023 was, as we have stated in our previous correspondence, solely intended as a debt collection strategy. Faced with reality and the inability to circumvent the fact that there was no valid reason why Transformer 2 cannot be Switched on and in order to retain the benefit of the pressure exerted on the municipality for payment, Eskom devised and engineered a new plan or strategy to only have one Transformer operational and to keep our respective clients' subjected to the appalling and catastrophic effects of the power cuts /load reductions that we have

DIREKTEURE / DIRECTORS: HANS-JURIE MOOLMAN LL.B., CLARISSA PIENAAR LLM

Bygestaan deur / Assisted by: SUMARI SCHUTTE LL.B

Registrasienommer / Registration number: 2007/028053/21 BEE Certificate Number: EMELOS030935 Level 4

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referred to in our previous letter. This is to say the least of it unconscionable and brutal if same is to be considered against the backdrop of several judgments of our courts and the apex court of our country wherein legal clarity on this issue and the rights involved was provided.

6. To add insult to injury, our clients' representatives have reliably established that, notwithstanding the expected and intended urgent repair work because of the pending crisis, no technician or any other representative of Eskom is currently attending to the repairs to Transformer 1.
7. In the light of the changed circumstances and change in tactics, we demand to be provided with the following by close of business today:
 - 7.1. Confirmation of the nature of the repairs required to Transformer 1;
 - 7.2. The duration of such repairs;
 - 7.3. When the repairs will be completed
 - 7.4. An undertaking that, once such repairs have been completed both transformers will be switched on forthwith and that there will be an end to the cuts or reduction of the bulk electricity supply to Lichtenburg outside the ambit of the national load shedding schedule.
8. Should we not receive a response, we will assume that the exchange of Transformer 1 with Transformer 2 and the switching of Transformer 1 is nothing but a carefully devised strategy to prolong the unlawful cut or reduction of bulk electricity supply to Lichtenburg and its community. In such event, we will proceed with the steps as were explained in our previous correspondence.

Yours faithfully

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MOOLMAN & PIENAAR INC

BY: HJ MOOLMAN

**E-MAIL: hj@mmlaw.co.za
litigation3@mmlaw.co.za**

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