



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

NATIONAL ASSEMBLY

MEMBER OF PARLIAMENT

PO Box 15 Cape Town 8000 Republic of South Africa

Cell: 083 463 8858

e-mail: kmileham@gmail.com

www.parliament.gov.za

www.da.org.za

KEVIN MILEHAM, MP

SPOKESPERSON ON ELECTRICITY AND ENERGY

[UNSIGNED ELECTRONIC COPY]

3 November 2025

Hon. N. Mvana MP

Chairperson: Portfolio Committee on Electricity and Energy

Parliament of South Africa

Per e-mail: nmvana@parliament.gov.za, nqmvana@gmail.com

Dear Hon. Mvana

**URGENT REQUEST TO SUMMON NERSA TO ACCOUNT FOR HIGH COURT JUDGMENT DECLARING
MUNICIPAL TARIFF APPROVAL PROCESS UNCONSTITUTIONAL**

I write to you on behalf of the Democratic Alliance to draw the Portfolio Committee's urgent attention to the Gauteng High Court judgment delivered on 31 October 2025 (see attached). This ruling declared the National Energy Regulator of South Africa's (NERSA) process for approving the 2025/26 municipal electricity tariffs to be unconstitutional, unlawful, and invalid.

The judgment represents a damning indictment of NERSA, finding that the regulator acted unlawfully by, among other things, refusing to publish the all-important municipal Cost-of-Supply (CoS) studies. NERSA argued in court that these studies were 'confidential' and too 'technical' for the public, a position the court rightly described as "beyond concerning."

This is not merely a procedural error; it is a failure by NERSA to comply with its core Constitutional mandate of transparency and public participation (sections 195(1)(e) and (g), read with sections 32 and 33 of the *Constitution of South Africa*). By hiding the true cost of supply, NERSA has been complicit in allowing municipalities to use inflated electricity tariffs as a "cash cow," forcing South Africans to pay for gross municipal inefficiencies. This conduct, which has now been ruled unlawful by the High Court for at least the third time, makes NERSA directly responsible for the unaffordability of electricity.

As this Portfolio Committee is charged with the direct oversight of NERSA, we cannot allow the regulator to repeatedly and arrogantly defy the law and the Constitution, only to have its wrist slapped in court at the public's expense.

The DA therefore formally requests that the Portfolio Committee on Electricity and Energy exercises its full oversight powers by:

1. Urgently summoning the leadership of NERSA to appear before the Committee at the earliest possible opportunity.

2. Demanding a full explanation from NERSA as to how it intends to immediately correct its unlawful processes and comply with the judgment.
3. Compelling NERSA to provide firm, actionable reassurance to Parliament that all future tariff applications and their accompanying CoS studies will be decided in a completely open and transparent manner, allowing for meaningful public participation.
4. Requesting NERSA to outline its plan to ensure this pattern of non-compliance ceases, thereby avoiding the further unnecessary and costly litigation that this failure has precipitated.

Furthermore, given NERSA's repeated failure to adhere to its legal and constitutional obligations, the DA demands that the Committee formally reprimand NERSA's leadership for this delinquent conduct.

South Africans are buckling under the cost of electricity, and it is unacceptable that a state regulator is actively aiding and abetting the very process that makes it unaffordable and unlawful. We trust the Committee will act with the urgency this matter deserves to restore accountability.

Yours sincerely,

Kevin Mileham MP
Spokesperson on Electricity and Energy
Democratic Alliance