

NEW

Electricity regulations

Photo: AP Photo/Kent Gilbert

Municipalities will play a key role in the government's response to the electricity crisis. In the wake of the recent peak in the ongoing electricity shortages, the Department of Minerals and Energy (DME) published draft regulations that aim to minimise electricity load-shedding and blackouts and improve the quality of electricity supply. To this end, a series of measures is proposed. The regulations are directed at 'licensees', which include municipalities that sell electricity with a licence from Eskom.

Lighting and light bulbs

The draft regulations instruct licensed municipalities to adopt by-laws that prohibit any growth in the use of incandescent (energy-inefficient) lights. There are many questions surrounding this instruction. For example, is local government the right location for this type of regulation? Ultimately, these measures should target the industry rather than the user in

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order to be really effective, so this is an issue of national trade regulation rather than municipal by-laws.

Licensed municipalities are further instructed to prohibit the lighting of unoccupied buildings especially after working hours. This regulation envisages municipalities adopting by-laws that prohibit the occupier of a building from leaving lights burning unnecessarily. As municipalities have hitherto focused on regulating supply (whether or not electricity is supplied to you) rather than usage (what you do with the electricity after it is supplied), this would require a new focus on municipal electricity by-laws. The issue of regulating exceptions – can I leave my outside light on during my weekend away? – and enforcement capacity are undoubtedly of concern here. However, the concept of regulating the use of municipal services is not new; some municipalities have experience in regulating water restrictions.

Municipalities are instructed to fit their street lights with energy-efficient bulbs and prohibit the lighting of streets and highways during broad daylight.

Solar water heating

Solar water heaters can significantly reduce electricity demand. The regulations make far-reaching proposals in this regard.

First, a new house valued at more than R750 000 may not be fitted with a geyser that does not have a solar water heater.

New dwellings worth less than this amount, which span more than 300 m², also fall into this category. Second, municipalities must ensure that new geysers are installed with insulation blankets. Third, from 2010 onwards, office blocks, hospitals, hotels, resorts and shopping complexes that have centralised water heating systems may not be fitted with geysers that do not have solar water heating.

Rules that prescribe that every new house must have a solar water heater will have a very positive effect on energy saving.

The question is whether this is not an issue that should be regulated through building regulations. The enforcement of this measure would probably have to be done by municipal building inspectors. The Department of Trade and Industry administers the National Building Regulations and Building Standards Act (Act 103 of 1977), which is the legal framework for building inspections. It is thus doubtful whether the DME has the legal mandate to make rules that essentially prescribe new building regulations.

Remote control of energy-absorbing appliances

To avert load-shedding, municipalities should be able to remotely switch off or reduce the supply to appliances that consume a lot of electricity during times when there is a shortage on the grid. This applies immediately to swimming pool drive and heating systems. When the regulations become operational, municipalities must ensure that both existing and new systems are fitted with devices that enable the remote control of supply.

Municipalities must also ensure that by 2010, any new geyser that is installed has a facility for the municipality to remotely control its supply of electricity.

The same applies to space heating, ventilation and cooling in commercial and residential buildings; municipalities must ensure that by 2010, they are installed with 'remote controls'.

It is not clear how municipalities are expected to carry out this instruction. Adopting the correct by-laws is the first step, but how does a municipality enforce them? Again, it appears to be an issue that is best located within the building regulations sector, which already contains rules on swimming pool safety. But how does a municipality enforce the retrofitting of these devices on existing swimming pools?

'Time of use' tariff

The regulations provide that, by 2010, end-users with a monthly consumption of 500 kWh and above must be on a 'time of use' tariff; that is, an increased rate during peak hours.

Process and penalties

Municipalities that do not comply with the new electricity regulations, once passed, may face the penalties in the Electricity Regulation Act (Act 4 of 2006). The Minister is obliged to consult licensees and the National Electricity Regulator on the draft regulations. An initial round of public consultation ended on 25 February and further news from the DME on the way forward is expected soon.

Comment

There is no doubt that the electricity crisis requires – and provides momentum for – new, innovative solutions and the fast-tracking of measures never used before. Red tape and legal intricacies should not be allowed to impede the quest for these solutions or their implementation. These regulations will give further impetus to the discussion on energy saving.

However, it is questionable whether the regulations in their current form should stand. Many of the provisions are very difficult to implement. It is hard to escape the impression that they represent a different form of 'load-shedding', namely 'shedding' the burden of energy savings enforcement and passing it on to local government. The outcome will only be different if these regulations are matched with resources, capacity and considerable assistance from national and provincial governments. The dearth of qualified municipal building inspectors, who are likely to be tasked with the enforcement of many of these regulations, is but one of the pitfalls that need to be addressed.

The fact that responsibility for electricity generation, provision and regulation is shared by three spheres of government means that a considered approach is required to solving the electricity crisis; quick fixes are not always within reach. The electricity crisis is thus testing not only the patience of South African citizens and the resilience of the economy; it is also testing the ability of our system of intergovernmental relations to produce sustainable solutions efficiently and speedily.