



REPORT ON THE PUBLIC HEARING HELD IN RESPECT TO THE LICENCE APPLICATION BY SENOK ATARI (PVT) LIMITED FOR GENERATION AND SALE OF 3.25 MW OF ELECTRICITY FROM THE PROPOSED ATARI HYDROPOWER PROJECT IN KAPCHORWA DISTRICT



13TH OCTOBER 2017

ST. ANDREWS NGAIMBIRIR CHURCH OF UGANDA, KAPCHORWA MUNICIPALITY

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1. EXECUTIVE SUMMARY

The Electricity Act, 1999, (Cap 145, Laws of Uganda), Section 33, mandates the Electricity Regulatory Authority (ERA), to receive Applications for Licenses from Developers who intend to Generate, Transmit, Distribute, Import or Export Electricity in Uganda.

In line with the above, on 21st July 2017, Senok Atari (PVT) Limited, submitted to Electricity Regulatory Authority an Application for a Generation and Sale License in respect to the proposed development of the 3.25 MW Hydropower Project in Kapchorwa District.

The Application was advertised in the media, to inform the public and invite directly affected parties and public agencies in the areas affected by the project to submit in writing, any objections and comments on the project, within thirty days (30) after publication of the Application. The Authority did not receive any written objections or comments from the public.

Pursuant to the provisions of the Electricity (Applications for Permit, License and Tariff Review) Regulations, 2007, a Notice of Public Hearing was published in the Daily Monitor on 5th October 2017, on the ERA website, the District Headquarters and on Local Radio Stations. Accordingly, a Public Hearing was held on 13th October 2017, at St. Andrews Ngaimbirir Church of Uganda, in Kapchorwa Municipality.

2. OBJECTIVES OF THE PUBLIC HEARING

The Public Hearing was held to:

- I. Promote openness and transparency in the decision making of the Authority;
- II. Provide an opportunity for stakeholders and the public to participate in the socio-economic, political and the environment impact assessment of the license Application;
- III. Provide a forum for comments, questions and answers in respect to the Application by Senok Atari (PVT) Limited, for a Generation and Sale Licence, before the Authority considers the Application;

- IV. Provide the Authority with all relevant information required in the determination of the Application; and,
- V. Increase community awareness about the proposed project.

3. ATTENDANCE OF THE PUBLIC HEARING

The Public Hearing begun at 3:45pm. It was presided over by the ERA Director for Economic Regulation, Dr. Geoffrey Okoboi and attended by both ERA staff and Local Leaders in Kapchorwa District.

The following ERA staff attended the Public Hearing:

- I. Dr. Geoffrey Okoboi - Director for Economic Regulation;
- II. Mr. Ivan Karau - Principal Projects Engineer;
- III. Ms. Clare Mugumya - Principal Stakeholder Engagement Officer;
- IV. Ms. Dorothy Waniala - Consumer Affairs Officer;
- V. Ms. Linda Sandrah Ddamba- Senior Legal Officer.

The following Leaders attended the Public Hearing:

- I. The representative of the RDC of Kapchorwa District, Mr. Shaban Mariamungu;
- II. The LC III Chairperson, East Division, Mr. Chebet Michael;
- III. The Developer – Senok Atari (Pvt) Limited; and
- IV. Residents of East Division, Kapchorwa Municipality.

In accordance with the provisions of the Electricity Act, 1999, Section 11(g), the persons who attended the Public Hearing duly registered in the Public Hearing Record of Attendance. The record indicates that at least 80 members of the community attended the Public Hearing as indicated in Annex 2 of this report.

4. RULES OF PROCEDURE GOVERNING THE PUBLIC HEARING

The Rules of Procedure were read to the public by the Presiding Officer who clarified that:-

- I. The Public Hearing would be Chaired and moderated by the Presiding Officer; Dr. Geoffrey Okoboi, the Director for Economic Regulation of Electricity Regulatory Authority;
- II. The Public Hearing was exclusively to discuss the License Application by Senok Atari (PVT) Limited;
- III. Members of the Community who wished to make brief comments or raise questions or seek clarifications would indicate their intention to speak by show of hands and the Presiding Officer would have the discretion to choose who to speak;
- IV. The developer or ERA would be called upon to respond to any comments, clarifications or questions raised by Members of the Community;
- V. The Public Hearing would be conducted in English, although there would be interpretation for effective communication;
- VI. Those selected to speak would mention their name and area of residence;
- VII. Speakers would be expected to be brief, focused and raise relevant issues to the subject matter. Irrelevant, abusive statements and statements intended to disrupt, annoy or embarrass any stakeholder would not be allowed;
- VIII. All questions would be directed to/through the Presiding Officer and the audience would be expected to observe discipline, order, remain silent and avoid interruption of the speaker;
- IX. All views and opinions expressed during the Public Hearing would be recorded and be brought to the attention of the Authority for consideration during the decision making in respect to the Application;
- X. The decision on the Application by Senok Atari (PVT) Limited would not be decided at the Public Hearing, but at a separate meeting of the Authority.

5. REMARKS BY THE PRESIDING OFFICER-ERA

The Presiding Officer introduced himself and the team from ERA. He presented the program of the Public Hearing, indicating that the Developer would make a presentation to the Community on the Technical aspects of the project, land acquisition process, project affected persons, benefits of the proposed project to the community and Corporate Social Responsibility (CSR).

He noted that it was very important for the participants to respect each other in order to facilitate fruitful discussions. He invited the Chairman LC III East Division, Kirwoko Ward, Mr. Chebet Michael, to give his remarks.

6. REMARKS FROM THE LOCAL AUTHORITIES

The Chairman LC III East Division, Kirwoko Ward, Mr. Chebet Michael, welcomed ERA, the Developer, Local Leaders and the Community to the Public Hearing. He thanked ERA for organizing the Public Hearing and introduced members from the Ngino Cell, Kaptarara Cell and Mantingot Cell.

He further, introduced other Local Leaders in attendance including, the representative of the LC III Chairperson of Kaptanya Subcounty; Councilor Chemonges Badru.

7. PRESENTATIONS

7.1. PRESENTATION BY THE DEVELOPER

The Developer noted that the proposed Atari HPP would generate 3.25 MW of electricity. He explained that the project would be undertaken by Senok Trade Combine (PVT) Limited, a company registered in Sri Lanka. He further noted that Senok Trade Combine (PVT) Limited, had incorporated a Ugandan company called Senok Atari (PVT) Limited, to undertake the development of the project.

7.1.1 HIGHLIGHTS OF THE PROPOSED PROJECT

The Developer explained that:

- I. The proposed structure of the project would cover 1.5 Km;
- II. The Developer needed to acquire 4.5 hectares of land from the community;
- III. The project would affect sixty (60) plots of land owned by fifty five (55) landlords;
- IV. According to the valuation done by the Government Valuer, the Developer required total amount of **UGX126 Million** to compensate the Project Affected Persons (PAPs). The respective valuation report was adopted by the Chief Government Valuer;
- V. Payment of compensation to PAPs would be made directly to their Bank Accounts;
- VI. The Developer was helping PAPs without Bank Accounts to open them up in reputable Banks;
- VII. Compensation would be paid upon issuance of the License by ERA;
- VIII. The project would create approximately 100–150 employment opportunities for both unskilled and semi-skilled laborers;
- IX. The Developer planned to train twenty (20) young people to operate the Power Plant after commissioning;
- X. The developer would undertake infrastructural development, including the construction of roads, health centers and improvement of water accessibility to people within the community;
- XI. The Developer had established strong environmental and social mitigation factors to counter the potential adverse effects of the project to the community. The developer displayed a slide with the members of the Grievance Committee, to be consulted by the community in case of any concerns about the proposed project.

8. PRESENTATION BY CENTENARY RURAL DEVELOPMENT BANK

A representative of Centenary Rural Development Bank informed participants that the proposed project would accelerate development in the community. He urged PAPs to open up Bank Accounts with Centenary Rural Development Bank, as the Developer would deposit compensation fees on their accounts. He noted that for PAPs who could not make it to the Bank premises to open up Accounts, arrangements would be made for an officer to visit them at their convenient places and open up the Accounts.

9. DISCUSSIONS/EMERGING ISSUES

The following table indicates the issues that were raised by participants and responses given by both ERA and the Developer.

NAME OF PARTICIPANT	ISSUES RAISED	RESPONSE	RESPONSE BY
Malanga Allan David-Chairperson of the Grievance Committee,	Land owners were not accorded time to talk to the Developer during the valuation process	The licensed valuer met with all the PAPs on three occasions and had a respective record of the said engagements	Developer
	The Valuer who conducted the land valuation process initially purported to work for the developer, then subsequently claimed to work for the Chief Government Valuer. The Community was not certain about the credibility of the Valuer's Report	The Chief Government Valuer does not conduct the valuation exercise personally. He/She appoints a licensed Government valuer to undertake the process. The Valuation report is subsequently validated by the Chief Government Valuer	Developer
	Land owners wanted clarification on the right party to undertake negotiations on their behalf for land compensation, and whether the PAPs would be given an opportunity to negotiate the costs after disclosure	The licensed valuer considered the replacement value of the project in arriving at the compensation values. However, the valuation was conducted a while back. The developer would undertake a review of the changes to the project affected property and where there is need, the respective PAPs would be provided with an opportunity to negotiate the compensation price	Developer

	<p>Concerns about the deviation between the Valuer's compensation costs as presented by the developer at the Public Hearing and what the community was willing to accept. The Developer was requested to revisit the compensation amounts, to ensure a win-win situation</p>	<p>Compensation would be a win-win situation The Developer would not acquire all the land in the region, but rather the parcels of land required for putting up the project structures</p>	<p>Developer</p>
	<p>The evaluation process was conducted hurriedly. The plantation and trees on the affected properties have since increased. The community needed confirmation that the current value of their property would be considered in the compensation process. The Valuer did not consider the rocks on the project affected land when undertaking the valuation process</p>	<p>The valuation exercise was conducted awhile back. Therefore, the Developer would undertake a review of the changes to the project affected property and where there is need, the respective PAPs would be provided with an opportunity to negotiate the compensation price</p>	<p>Developer</p>
	<p>The Grievance Committee had received a number of complaints from the community but was not yet officially engaged by the Developer. No facilitation was provided by the Developer for the Committee Members</p>	<p>The purpose of the Grievance Committee was to bring all the concerns of the community to the attention of the Developer. The Committee would be provided with transport/sitting allowance when construction of the project starts</p>	<p>Developer</p>

	PAPs were ready to write to the Government indicating that the parties had failed to reach a consensus on the land acquisition process and that they were willing to wait for another Developer to undertake the project	PAPs need to support the Developer with the required land resource in good faith. Land would be acquired at reasonable compensation. Government does not encourage Developers to acquire land forcefully. ERA would process the License Application in accordance with the Electricity Act, 1999, and would prescribe conditions to be fulfilled during project implementation. ERA would also monitor compliance to License Conditions	ERA
Chebet Isaac-Resident of Chesimo Village,	Chesimo village was included on the map of the Project Affected Area. However, land owners in that village were not provided with any information concerning the project or project affected land. The available records indicate wrong names of land owners. A request to pay the rightful owners was made	The Developer together with the Grievance Committee would confirm the identity of the PAPs before payment of the compensation	Developer

10. CLOSING REMARKS BY THE RDC, KAPCHORWA DISTRICT

The representative of the RDC of Kapchorwa applauded ERA and the Developer for having thought of establishing the project in their area. He noted that residents of the area were pleased with the project, requesting that in case of any challenges, the Developer was free to contact the District Leadership for support/assistance.

He urged the Developer to handle the issue of compensation in a win-win manner to avoid any hindrances to project development.

He requested everyone to be cooperative and thanked the people for the exhibited discipline at the Public Hearing. He wished everyone a safe journey back home.

The Public Hearing ended at 5:00 pm with a closing prayer led by Rev. Mungusho David Cherop.

11. CONCLUSION

The Public Hearing was a success. Participants openly aired out their views and provided an opportunity for the Developer to attend to issues that could affect the progress of the project.

12. Annex 1



PROGRAM FOR THE PUBLIC HEARING

TIME	ACTIVITY	RESPONSIBILITY
2:30 pm	Arrival and Registration	All guests
3:45 pm	Prayer	Volunteer
3:50 pm	Opening remarks	Presiding Officer
4:00 pm	Chairman's Remarks	ERA
4:10 pm	Presentation by Developer	Senok Atari (PVT) Limited
4: 25 pm	Discussion Session	Presiding Officer
4: 50 pm	Presentation by Centenary Rural Development Bank Limited	Representative of Centenary Bank
4:55 pm	Closing Remarks	RDC, Kapchorwa District
5:00 pm	Departure	Presiding Officer

13. Annex 2

RECORD OF ATTENDANCE



ELECTRICITY REGULATORY AUTHORITY

SENOK ATARI (PVT) LIMITED PUBLIC HEARING

13TH October 2017

ST. ANDREWS NGAIMBIRIR CHURCH OF UGANDA, KAPTANYA SUB COUNTY IN
KAPCHORWA DISTRICT

ATTENDANCE SHEET

No	Name	Residence	Signature
01	CHEBET MICHAEL	EAST DIVISION	[Signature]
02	MALAMUNGU SHABU	KAPCHORWA	[Signature]
03	OPHEOR MUBWITO SAIN	KAPCHORWA	[Signature]
04	CHEKUNGI ARI	EAST DIVISION	[Signature]
05	CHEMONGES BAZU	CHURCH PERSON KAPTANYA SC	[Signature]
6	SUMARI SHAFICK	KAWOYO	[Signature]
07	CHEBET MARIET	matigot	[Signature]
08	Mama Denis	matigot	[Signature]
09	Justine Mutal	KAPTANYA	[Signature]
10	JUDITH CHEPETER	KAPTANYA	[Signature]
11	BUSHENMICH STEPHAN	Sempa (matigot)	[Signature]
12	KWESO BACHERA	Chesimiro	[Signature]
13	WOKOP JAMES MUKUSI	Chesimiro	[Signature]
14	Stephen Chelogoi	Pasha	[Signature]
15	KIZANYI KENYI	matigot	[Signature]
16	LIDYA ARAPBUKOSE	matigot	.LA.



ELECTRICITY REGULATORY AUTHORITY

SENOK ATARI (PVT) LIMITED PUBLIC HEARING

13TH October 2017

ST. ANDREWS NGAIMBIRIR CHURCH OF UGANDA, KAPTANYA SUB COUNTY IN
KAPCHORWA DISTRICT

ATTENDANCE SHEET

No	Name	Residence	Signature
1	Songa Stephen	Kafandara	[Signature]
2	Cheptoris Gilbert	Kafongon	[Signature]
3	Cheshemi Mude	Kapchorwa	[Signature]
4	cheroticha John	mabingot	[Signature]
5	chekwemgi Annet	"	[Signature]
6	chekanga Francis	Semya	[Signature]
7	TERO GEOFRAY	mabingot	[Signature]
8	KABORJO ALFRED	Bopso	[Signature]
9	Kusira Joseph	Semya	[Signature]
10	Sobla Stanley	Malat (GISO)	[Signature]
11	CHEPKUMEN PHILEAS	KAPANDAR CELL	[Signature]
12	CHEPLURICI VICTOR	KAPIA IV KHE	[Signature]
13	CHEMORONGES PATRICK	K.P.IV KARU	[Signature]
14	CHEROP ENY	Kapchorwa Bopso	[Signature]



ELECTRICITY REGULATORY AUTHORITY

SENOK ATARI (PVT) LIMITED PUBLIC HEARING

13TH October 2017

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KAPCHORWA DISTRICT

ATTENDANCE SHEET

No	Name	Residence	Signature
01	CHEMION BET FLAVIO	VAD GIPORWA MP.	[Signature]
02	CHEMION STEPHEN	LECU COLONY	[Signature]
3	CHEMION RICHARD	MATINDOT CELL	[Signature]
4	MWONITA ALLAN DAVID	MATINDOT CELL	[Signature]
5	SATJA ALBERT	MATINDOT CELL	[Signature]
6	CHE SANG DAVID	NGIRO	[Signature]
7	CHELANGA BOSCO	LAKATET	[Signature]
08	LABU VICTOR	NGIRO	[Signature]
09	CHEBET ALBERT	MATINDOT CELL	[Signature]
10	MUSOBO PATRICK	NGIRO CELL	[Signature]
11	SZIMO WILFRED	NGIRO CELL	[Signature]
12	CHEMION NELSON	KAPIMBAR CELL	[Signature]
13	SANJA ALEX	KAPIMBAR	[Signature]
14	KULANY EDISON	11	[Signature]
15	SIKURU KULANY ERIC	Matindot	[Signature]



ELECTRICITY REGULATORY AUTHORITY

SENOK ATARI (PVT) LIMITED PUBLIC HEARING

13TH October 2017

ST. ANDREWS NGAIMBIRIR CHURCH OF UGANDA, KAPTANYA SUB COUNTY IN
KAPCHORWA DISTRICT

ATTENDANCE SHEET

No	Name	Residence	Signature
0	Kibel Jeremiah	Ngiwo village	[Signature]
2	CHEMUTAI DION	MATINYEI VILLAGE	[Signature]
3	GAMYI MATIIN	SEMAYA VILLAGE	[Signature]
4	Beatrice Chemonges	Kamutlai	[Signature]
5	Fazira Chemungo	Posha village	[Signature]
6	Prophet N. S.	Kapchorwa V	[Signature]
7	Chemungo M. S.	Sungu	[Signature]
8	CHEBEI KEVINA	SEMAYA VILLAGE	[Signature]
9	CHEBEI VIOLA	SEMAYA VILLAGE	[Signature]
10	LYDIA KENYI	MATINYEI	[Signature]
11	ESTHER KULLAY	"	[Signature]
12	Chemutai James	Kamukon	[Signature]
13	KISSA FRANCIS	POSHA CELL	[Signature]
14	CHEMUNGET ALFRED	SEMAYA CELL	[Signature]
15	SOYEKWO HENRY	Chemungo	[Signature]

14. ANNEX 3

PICTORIAL



The Project Affected Persons at the Public Hearing.



The Project Affected Persons listen to presentations at the Public Hearing.



A Local Leader addressing Participants at the Public Hearing.



Local Leaders who attended the Public Hearing.