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Ref: NCA 4/6/VOL.I/35

Date: 30th November, 2015

Mr. Francis Njogu
Chief Executive Officer
Amu Poer Company Limited
Geminia Insurance Plaza
Kilimanjaro Avenue
Upper Hill
NAIROBI

Dear

Mr. Njogu

1050 MW COAL-FIRED POWER PLANT

We acknowledge receipt of your letter dated 12th October, 2015 and the letter dated 5th October, 2015 from your advocates, M/s Katiku & Associates. We have noted as follows: -

- 1) The Ministry of Energy and Petroleum issued a request for proposals in January, 2014 inviting bidders to bid for the development of Coal-Fired Power Plant in Lamu County, being part of the Government of Kenya Least Cost Development Plan for Power Generation to bring down the cost of power.
- 2) On April 23, 2014, proposals were submitted by three consortium including your company.
- 3) The Effective date of Regulation 25 of the National Construction Regulations of 2014 was June 6, 2014 while your company submitted its bid on 23rd April, 2014.

- 4) Effecting a new levy after the bid submission will have the effect of raising power tariffs as your company will be entitled to seek a Tariff Adjustment to recover levy.

In view of the above, this levy is not applicable to your Company.

However, we further note favorably your proposal for collaboration in areas of technology transfer for the industry in general.

Yours *Sincerely,*

A handwritten signature in black ink, appearing to read "Arch. Daniel O. Manduku". The signature is written in a cursive style and is positioned above the printed name.

Arch. Daniel O. Manduku
EXECUTIVE DIRECTOR