

Maritime Link Act

CHAPTER 9 OF THE ACTS OF 2012

as amended by

2013, c. 40



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CHAPTER 9 OF THE ACTS OF 2012
amended 2013, c. 40

**An Act Respecting
the Maritime Link**

title amended 2013, c. 40, s. 1.

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WHEREAS there are unique advantages for the Nova Scotia economy and Nova Scotia electricity ratepayers from the delivery into Nova Scotia of hydro-electric power from Newfoundland and Labrador;

AND WHEREAS the Governments of Nova Scotia, Newfoundland and Labrador and Canada have committed to support development of the Lower Churchill Project;

AND WHEREAS there is a need to provide for a predictable, timely and transparent regulatory review process:

Short title

1 This Act may be cited as the *Maritime Link Act*. 2012, c. 9, s. 1.

Interpretation

2 In this Act,

(a) “applicant” means a person that makes an application in respect of the Maritime Link Project and rates associated with the Project in accordance with the regulations;

- (aa) “approved applicant” means an applicant that has received an approval for the Maritime Link Project pursuant to the regulations;
- (b) “Maritime Link” means a new high voltage direct current transmission system and related components, including grounding systems, and includes
- (i) direct current converter stations in Newfoundland and Labrador, and in Cape Breton, Nova Scotia, together with the subsea cables and high voltage direct current transmission lines connecting the converter stations,
 - (ii) an alternating current transmission line connecting the converter station in Newfoundland and Labrador with the Newfoundland Island Interconnected System, and
 - (iii) any additional transmission infrastructure required in order to interconnect with the Newfoundland Island Interconnected System and the Nova Scotia Transmission System;
- (c) “Maritime Link Project” means the design, construction, operation and maintenance of the Maritime Link, together with the related transactions involving the delivery of energy, the provision of transmission services over the Maritime Link and the enabling of transmission service through the Province, as set out in a term sheet between Emera Incorporated and Nalcor Energy dated November 18, 2010;
- (d) “Minister” means the Minister of Energy;
- (e) “Review Board” means the Nova Scotia Utility and Review Board established under the *Utility and Review Board Act*. 2012, c. 9, s. 2; 2013, c. 40, s. 2.

Supervision of Act

3 The Minister has the general supervision and management of this Act. 2012, c. 9, s. 3.

Review Board

4 The Review Board has the general supervision of an applicant and the Maritime Link Project, and may make all necessary examinations and inquiries and keep itself informed as to the compliance by an applicant with the provisions of law and has the right to obtain from an applicant all information necessary to enable the Review Board to fulfil its duties. 2012, c. 9, s. 4.

Powers and authority

4A The Review Board has all the powers and authority provided to it under the *Utility and Review Board Act* and the *Public Utilities Act* to carry out its duties under this Act and the regulations. 2013, c. 40, s. 3.

Compliance with Review Board decisions

4B For greater certainty, the powers and authority of the Review Board include the power and authority to ensure compliance with any term, condition or requirement set out in a decision of the Review Board made under this Act or the regulations, including those set out in the decisions made with respect to the Maritime Link Project, dated July 22, 2013, and November 29, 2013. 2013, c. 40, s. 3.

Public Utilities Act

5 (1) Notwithstanding the regulations, Section 54 of *Public Utilities Act* does not apply with respect to construction of the Maritime Link Project by an applicant in territory already served by a public utility of like nature, as that territory exists at the time this Act comes into force.

(2) For greater certainty, where an applicant has been made subject to the *Public Utilities Act* by regulation, for the purpose of that Act and in particular Section 64 of that Act, the transmission of electricity by the applicant is a service to which Section 64 of that Act applies.

(2A) Section 74 of the *Public Utilities Act* does not apply to an approved applicant.

(3) Notwithstanding Section 117 of the *Public Utilities Act*, where there is a conflict between this Act or the regulations and the *Public Utilities Act* or the regulations made pursuant to that Act, this Act and the regulations prevail. 2012, c. 9, s. 5; 2013, c. 40, s. 4.

Deemed property of Nova Scotia Power Incorporated

5A For the purpose of taxation by a municipality, other than deed transfer tax, the property of an approved applicant is deemed to be the property of Nova Scotia Power Incorporated and subject to Section 18 of the *Nova Scotia Power Privatization Act*. 2013, c. 40, s. 5.

Expropriation

5B (1) An approved applicant may expropriate any land that the approved applicant considers necessary or useful for the Maritime Link Project.

(2) Upon a plan and description of the land being expropriated, signed by a person with legal capacity to sign for the approved applicant, being filed or registered in the registry of deeds for the registration district in which the land is located, the land is vested in the approved applicant.

(3) The *Expropriation Act* applies to an expropriation under this Section and the approved applicant is deemed to be the expropriating authority for the purpose of that Act.

(4) Notwithstanding the *Expropriation Act*, the Governor in Council is the approving authority for the purpose of that Act in respect of land expropriated pursuant to this Section.

(5) Notwithstanding the *Expropriation Act*, lands of an approved applicant may be expropriated by another expropriating authority only with the approval of the Governor in Council. 2013, c. 40, s. 5.

Nova Scotia Power Privatization Act and approved applicant

5C Section 22 of the *Nova Scotia Power Privatization Act* applies *mutatis mutandis* to an approved applicant with respect to the Maritime Link. 2013, c. 40, s. 5.

Nova Scotia Power Privatization Act and electricity contract

5D Section 23 of the *Nova Scotia Power Privatization Act* applies *mutatis mutandis* with respect to any contract for the supplying of electricity by an approved applicant as if the approved applicant were Nova Scotia Power Incorporated. 2013, c. 40, s. 5.

Assessment recovery

5E Nova Scotia Power Incorporated is entitled to recover through its rates an assessment against it that is approved by the Review Board for an approved applicant. 2013, c. 40, s. 5.

Regulations

6 (1) The Governor in Council shall, after consultation with the Chair of the Review Board, make regulations establishing a hearing and approval process and the criteria and conditions by which an application with respect to the Maritime Link Project is to be reviewed and considered for approval by the Review Board, which may include regulations

- (a) determining when a hearing is required;
- (b) establishing the subject-matter to be considered in a hearing;
- (c) setting out the criteria for approval or confirmation of an approval by the Board;
- (d) determining the matters to be decided in a hearing including, without limiting the generality of the foregoing, setting limits or parameters for which costs will be allowed or within which rates must be set;
- (e) establishing the timing of various steps of the hearing and approval process;
- (f) determining any other matter or thing relating to the hearing and approval process the Governor in Council considers necessary or advisable.

(2) The Governor in Council may make regulations

- (a) providing that the *Public Utilities Act* applies to an applicant and that the applicant is a public utility within the meaning of that Act;
- (b) defining any word or expression used but not defined in this Act;
- (c) respecting any matter or thing the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Act.

(3) The exercise by the Governor in Council of the authority contained in subsections (1) and (2) is regulations within the meaning of the *Regulations Act*. 2012, c. 9, s. 6.

Effective date

7 This Act comes into force on such day as the Governor in Council orders and declares by proclamation. 2012, c. 9, s. 7.

Proclaimed - October 2, 2012
In force - October 2, 2012
