



BILL NO. 162

Government Bill

*1st Session, 59th General Assembly
Nova Scotia
54 Elizabeth II, 2005*

**An Act to Amend Chapter 380
of the Revised Statutes, 1989,
the Public Utilities Act,
and Chapter 4 of the Acts of 1997,
the Gas Distribution Act**

CHAPTER 25
ACTS OF 2005

**AS ASSENTED TO BY THE ADMINISTRATOR OF THE PROVINCE
MAY 19, 2005**

The Honourable Cecil P. Clarke
Minister of Energy

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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**An Act to Amend Chapter 380
of the Revised Statutes, 1989,
the Public Utilities Act,
and Chapter 4 of the Acts of 1997,
the Gas Distribution Act**

Be it enacted by the Governor and Assembly as follows:

1 Chapter 380 of the Revised Statutes, 1989, the *Public Utilities Act*, is amended by adding immediately after Section 90 the following Section:

91 (1) Where the Governor in Council directs or the Board on its own motion decides, the Board shall appoint a person to act as a consumer advocate in a hearing before the Board.

(2) A consumer advocate appointed pursuant to subsection (1)

(a) shall participate in all aspects of the hearing before the Board and represent the interests of residential consumers as a full intervenor with power to enter into settlement agreements with other parties; and

(b) has all the powers and authorities necessary to carry out the duties of a consumer advocate pursuant to this Section.

(3) The Board may fix fees and expenses of a consumer advocate in performing the functions and duties of a consumer advocate pursuant to this Section.

(4) The fees and expenses referred to in subsection (3)

(a) shall be paid to the Board by the applicant or applicants in such proportion as determined by the Board; and

(b) may include the cost of retaining experts and legal counsel to provide the consumer advocate with advice, including testimony, on technical and legal matters.

(5) The Board may make rules respecting practice and procedure, scope of work, fees and expenses and other matters respecting a consumer advocate appointed pursuant to subsection (1).

(6) The Governor in Council may make regulations respecting the qualifications and experience of a consumer advocate.

2 Chapter 4 of the Acts of 1997, the *Gas Distribution Act*, is amended by adding immediately after Section 22 the following Section:

22A (1) Where the Governor in Council directs or the Board on its own motion decides, the Board shall appoint a person to act as a consumer advocate in a hearing before the Board.

(2) A consumer advocate appointed pursuant to subsection (1)

(a) shall participate in all aspects of the hearing before the Board and represent the interests of residential consumers as a full intervenor with power to enter into settlement agreements with other parties; and

(b) has all the powers and authorities necessary to carry out the duties of a consumer advocate pursuant to this Section.

(3) The Board may fix fees and expenses of a consumer advocate in performing the functions and duties of a consumer advocate pursuant to this Section.

(4) The fees and expenses referred to in subsection (3)

(a) shall be paid to the Board by the applicant or applicants in such proportion as determined by the Board; and

(b) may include the cost of retaining experts and legal counsel to provide the consumer advocate with advice, including testimony, on technical and legal matters.

(5) The Board may make rules respecting practice and procedure, scope of work, fees and expenses and other matters respecting a consumer advocate appointed pursuant to subsection (1).

(6) The Governor in Council may make regulations respecting the qualifications and experience of a consumer advocate.

3 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.
