



BILL NO. 88

Government Bill

*4th Session, 61st General Assembly
Nova Scotia
61 Elizabeth II, 2012*

An Act to Ensure Regulatory Review of the Maritime Link

CHAPTER 9
ACTS OF 2012

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
MAY 17, 2012**

The Honourable Charlie Parker
Minister of Energy

*Halifax, Nova Scotia
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An Act to Ensure Regulatory Review of the Maritime Link

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;

THEREFORE be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Maritime Link Act*.

2 In this Act,

(a) “applicant” means a person who makes an application in respect of the Maritime Link Project and rates associated with the Project in accordance with 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*.

3 The Minister has the general supervision and management of this Act.

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.

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.

(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.

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*.

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