



# **BILL NO. 175**

*Government Bill*

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*2nd Session, 63rd General Assembly  
Nova Scotia  
68 Elizabeth II, 2019*

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## **An Act to Amend Chapter 32 of the Acts of 2015, the Marine Renewable-energy Act**

CHAPTER 34  
ACTS OF 2019

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
OCTOBER 30, 2019**

The Honourable Derek Mombourquette  
*Minister of Energy and Mines*

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

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**An Act to Amend Chapter 32  
of the Acts of 2015,  
the Marine Renewable-energy Act**

Be it enacted by the Governor and Assembly as follows:

**1** The heading immediately after Section 49 of Chapter 32 of the Acts of 2015, the *Marine Renewable-energy Act*, as enacted by Chapter 12 of the Acts of 2017, is amended by striking out “FOR GENERATORS UNDER DEMONSTRATION PERMITS” immediately after “AGREEMENTS” in the first line.

**2** Chapter 32 is further amended by adding immediately after Section 49A the following Section:

49B (1) Where a licence is, or has been, issued under subsection 30(1) in respect of a generator, the licence holder and the public utility that owns the electrical grid to which the generator is to be interconnected are deemed to have entered into one or more power purchase agreements, as determined by the Minister, in the form prescribed under subsection (2).

(2) The Minister shall prescribe the form of the power purchase agreement or agreements, as the case may be, applicable in respect of the licence holder and the public utility referred to in subsection (1).

(3) The aggregate nameplate capacity allowable under the cumulative power purchase agreements deemed to be entered into by a licence holder under subsection (1) must not exceed the aggregate nameplate capacity assigned under all of the licence holder’s feed-in tariff approvals issued under Section 28 of the *Renewable Electricity Regulations*.

(4) The public utility shall procure all electricity under the power purchase agreement or agreements, as the case may be, at a price to be determined by the Minister and set out in the agreement or agreements.

(5) Subject to subsection (7), the licence holder and the public utility may, by mutual consent, amend the power purchase agreement or agreements, as the case may be, and, where they do so, shall provide a copy of the amended agreement or agreements to the Minister.

(6) The Nova Scotia Utility and Review Board shall allow a public utility to recover the costs in connection with any power purchase agreement the public utility is deemed to have entered into under subsection (1) through the public utility’s rates approved by the Board under the *Public Utilities Act*.

(7) The term of a power purchase agreement referred to in subsection (1) ends 15 years after the commercial operation date, as defined in the agreement, of the generator and may not be extended.

(8) No power purchase agreement may be entered into pursuant to this Section on and after December 31, 2021.

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