



# **BILL NO. 97**

*Government Bill*

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*3rd Session, 63rd General Assembly  
Nova Scotia  
70 Elizabeth II, 2021*

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## **An Act to Amend Chapter 25 of the Acts of 2004, the Electricity Act**

CHAPTER 10  
ACTS OF 2021

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
APRIL 19, 2021**

The Honourable Chuck Porter  
*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 25  
of the Acts of 2004,  
the Electricity Act**

Be it enacted by the Governor and Assembly as follows:

**1 (1) Subsections 3A(2), (4), (5) and (6) of Chapter 25 of the Acts of 2004, the *Electricity Act*, are repealed.**

**(2) Subsection 3A(7) of Chapter 25, as enacted by Chapter 31 of the Acts of 2015, is amended by striking out “required by clauses (5)(a) to (c)” in the first and second lines and substituting “as prescribed by the regulations”.**

**(3) Subsections 3A(8) to (12) of Chapter 25 are repealed and the following subsections substituted:**

(8) The Governor in Council may make regulations respecting any aspect of a program developed or maintained under subsection (1) or (1A) including

- (a) program requirements and conditions;
- (b) participant eligibility requirements;
- (c) application processes;
- (d) duties of the public utility with respect to the program;
- (e) project limitations, including limitations with respect to generator nameplate capacities;
- (f) the identification of and conditions on equipment to be used to
  - (i) measure the amount of electricity produced by any generator and the time that it is supplied,
  - (ii) measure the amount of electricity supplied to the customer by the public utility and the time that it is supplied, and
  - (iii) measure the amount of electricity supplied to the public utility by the customer’s generator and the time that it is supplied;
- (g) standards that must be adhered to;
- (h) enforcement measures and mechanisms;
- (i) costs, fees and penalties;
- (j) obligations relating to data collection, reporting and the sharing of information;
- (k) the tariff for the electricity sold pursuant to this Section;
- (l) the sale of renewable low-impact electricity to the public utility;

- (m) oversight of the program by the Board;
- (n) requirements or conditions in respect of any agreement between a customer and the public utility;
- (o) any other matter the Governor in Council considers necessary or advisable for the proper administration of the program.

(9) The exercise by the Governor in Council of the authority contained in subsection (8) is a regulation within the meaning of the *Regulations Act*.

(4) Section 3A as it read before subsections (1), (2) and (3) came into force applies to an agreement made pursuant to Section 3A before those subsections came into force.

**2 Chapter 25 is further amended by adding immediately after Section 3A the following Section:**

3AA (1) A public utility may develop and maintain a program that will permit any customer, group of customers or third party to generate electricity for a customer's or group of customers' use and to sell any excess electricity to the public utility at a rate prescribed by the regulations.

(2) Notwithstanding subsection (1), Nova Scotia Power Incorporated shall develop and maintain a program that will permit any customer, group of customers or third party to generate electricity for a customer's or group of customers' use and to sell any excess electricity to Nova Scotia Power Incorporated at a rate prescribed by the regulations.

(3) Any program developed and maintained pursuant to subsection (1) or (2) must receive the approval of the Board before its implementation by the public utility.

(4) The Governor in Council may make regulations respecting any aspect of a program developed or maintained under subsection (1) or (2) including

- (a) any matter referred to in clauses 3A(8)(a) to (o);
- (b) distribution zones;
- (c) subscriber and ownership requirements;
- (d) review of the program;
- (e) prescribing anything that is to be prescribed pursuant to this Section;

(f) any other matter the Governor in Council considers necessary or advisable for the proper administration of the program.

(5) The exercise by the Governor in Council of the authority contained in subsection (4) is a regulation within the meaning of the *Regulations Act*.

**3 Subsection 5(1) of Chapter 25, as amended by Chapter 14 of the Acts of 2010, Chapter 15 of the Acts of 2011, Chapter 34 of the Acts of 2013, Chapter 31 of the Acts of 2015 and Chapter 9 of the Acts of 2020, is further amended by**

- (a) striking out "3A(8)," in the first line of clause (a); and

**(b) striking out clauses (dv) to (dy).**

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

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