



BILL NO. 228

Government Bill

*1st Session, 64th General Assembly
Nova Scotia
1 Charles III, 2022*

**An Act to Amend Chapter 380
of the Revised Statutes, 1989,
the Public Utilities Act,
Respecting Efficiency Nova Scotia**

CHAPTER 53
ACTS OF 2022

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
NOVEMBER 9, 2022**

The Honourable Tory Rushton
Minister of Natural Resources and Renewables

*Halifax, Nova Scotia
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**An Act to Amend Chapter 380
of the Revised Statutes, 1989,
the Public Utilities Act,
Respecting Efficiency Nova Scotia**

Be it enacted by the Governor and Assembly as follows:

1 Section 79A of Chapter 380 of the Revised Statutes, 1989, the *Public Utilities Act*, as enacted by Chapter 5 of the Acts of 2014 and amended by Chapter 27 of the Acts of 2022, is further amended by striking out subclause (b)(iv) and substituting the following subclause:

(iv) strategic electrification of energy end uses currently powered by fossil fuels in a manner that reduces overall greenhouse gas emissions and electricity costs,

2 Clause 79C(2)(b) and Section 79D of Chapter 380 are repealed.

3 Subsection 79E(1) of Chapter 380, as enacted by Chapter 5 of the Acts of 2014, is amended by striking out “or expiration” in the first line.

4 (1) Subsection 79F(1) of Chapter 380, as enacted by Chapter 5 of the Acts of 2014, is amended by striking out “or expiration” in the second line.

(2) Subsection 79F(3) of Chapter 380, as enacted by Chapter 5 of the Acts of 2014, is amended by striking out “or expiration” in the fourth line.

5 Section 79H of Chapter 380 is repealed and the following Section substituted:

79H (1) Subject to Section 79I, the Board shall determine the cost-effective demand-side management that must be undertaken for the purpose of this Act.

(2) The Board, in evaluating a franchise holder’s application pursuant to Section 79L, shall evaluate the proposed cost-effective demand-side management at the portfolio level that would be the aggregate amount of demand-side management programs.

6 (1) Subsection 79I(1) of Chapter 380, as enacted by Chapter 5 of the Acts of 2014, is amended by striking out “electricity efficiency and conservation activities that are” in the second and third lines and substituting “demand-side management that is”.

(2) Subsection 79I(2) of Chapter 380 is repealed and the following subsection substituted:

(2) Nova Scotia Power Incorporated shall meet its obligations pursuant to subsection (1) by entering into a demand-side management purchase agreement with a franchise holder, and upon application by the franchise holder, the Board shall establish the terms and conditions of the agreement, which agreement must

- (a) be for a term of five years;
- (b) describe the demand-side management that the franchise holder will provide to Nova Scotia Power Incorporated;
- (c) identify the amount that Nova Scotia Power Incorporated will pay to the franchise holder for the supply of demand-side management; and
- (d) include such other reasonable terms as the Board considers appropriate.

(3) Subsection 79I(3) of Chapter 380, as enacted by Chapter 5 of the Acts of 2014, is amended by striking out clause (b).

7 Section 79J of Chapter 380 is repealed.

8 Section 79L of Chapter 380 is repealed and the following Section substituted:

79L (1) Upon receiving the application of a franchise holder respecting a demand-side management purchase agreement, the Board shall establish a process for the review and approval of the application.

(2) The franchise holder shall provide any information or evidence required by the Board for its determination of the application.

(3) The franchise holder is responsible for providing information and evidence to the Board to justify the demand-side management that is proposed to be undertaken for Nova Scotia Power Incorporated, and Nova Scotia Power Incorporated may rely upon the expertise of the franchise holder in respect of the delivery of demand-side management.

(4) The Board shall approve an application pursuant to this Section if, in addition to any other matters considered appropriate by the Board, it is satisfied that the application, including the proposed demand-side management that is the subject of the application, is in the best interests of Nova Scotia Power Incorporated's customers and satisfies the requirements in Section 79I.

(5) The Board's review of the proposed demand-side management for the purpose of the approval must consider any matters deemed appropriate by the Board or as may be prescribed.

9 (1) Subsection 79N(1) of Chapter 380, as enacted by Chapter 5 of the Acts of 2014, is amended by adding a period immediately after "Board" in the third line.

(2) Subsection 79N(2) of Chapter 380, as enacted by Chapter 5 of the Acts of 2014, is amended by

(a) striking out "Sections 79I and 79J" in the first line and substituting "Section 79I"; and

(b) striking out "as if the application were made pursuant to subsection 79J(3)" in the fourth and fifth lines of clause (b).

10 Section 79O of Chapter 380, as enacted by Chapter 5 of the Acts of 2014, is amended by

- (a) striking out “79J(2)(a)” in the first line and substituting “79I(2)(a)”;** and
- (b) striking out “three-year” in the fifth line and substituting “five-year”.**

11 Subsection 79P(4) of Chapter 380, as enacted by Chapter 5 of the Acts of 2014, is amended by striking out “Sections 79I and 79J” in the first line and substituting “Section 79I”.

12 (1) Subsection 79Q(1) of Chapter 380 is repealed.

(2) Subsection 79Q(2) of Chapter 380, as enacted by Chapter 5 of the Acts of 2014, is amended by striking out “Notwithstanding Sections 79I and 79J, for” in the first line and substituting “For”.

13 Clause 79V(1)(d) of Chapter 380, as enacted by Chapter 5 of the Acts of 2014, is amended by striking out “79L(9)” in the second line and substituting “79L(5)”.

14 Chapter 380 is further amended by striking out “electricity efficiency and conservation activities” wherever it appears in the Act and substituting “demand-side management”.
