



BILL NO. 147

Government Bill

*1st Session, 64th General Assembly
Nova Scotia
71 Elizabeth II, 2022*

An Act to Amend Chapter 380 of the Revised Statutes, 1989, the Public Utilities Act

CHAPTER 27
ACTS OF 2022

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
APRIL 22, 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**

Be it enacted by the Governor and Assembly as follows:

1 Section 2 of Chapter 380 of the Revised Statutes, 1989, the *Public Utilities Act*, as amended by Chapters 11 and 37 of the Acts of 1992 and Chapter 4 of the Acts of 1997, is further amended by adding immediately after clause (c) the following clause:

(ca) “Minister” means the Minister of Natural Resources and Renewables;

2 Subsection 51A(1) of Chapter 380, as enacted by Chapter 31 of the Acts of 2015, is amended by

(a) striking out “of Energy” in the second line of clause (a); and

(b) striking out “of Energy” in the third line of clause (b).

3 Sections 52A and 52B of Chapter 380 are repealed and the following Sections substituted:

52A (1) The Governor in Council may make regulations regarding all aspects of performance, including regulations that prescribe performance standards, requirements and minimums for Nova Scotia Power Incorporated.

(2) The Board may establish performance standards, requirements and minimums for Nova Scotia Power Incorporated in addition to those established pursuant to subsection (1).

(3) Performance standards, requirements and minimums established pursuant to subsections (1) and (2) may relate to

- (a) outages and reliability;
- (b) power quality;
- (c) equity, low-income service and energy poverty;
- (d) citizen and community participation;
- (e) customer service, including customer satisfaction, billing accuracy and first contact resolution;
- (f) adverse weather conditions;
- (g) environmental performance;
- (h) collaboration, including the satisfaction of the collaborating party;
- (i) interconnections;
- (j) any programs implemented by Nova Scotia Power Incorporated through any Act or regulations, including net metering;

- (k) dispatch decisions and the best use of existing resources;
- (l) transparency;
- (m) data handling, public availability of data and information technology;
- (n) employment and matters relating to employees;
- (o) safety;
- (p) energy efficiency, losses and non-technical losses;
- (q) asset management and utilization of resources;
- (r) productivity;
- (s) procurement and purchasing, including the engagement of local businesses, and procurement and process transparency; and
- (t) any other matter deemed by the Minister to be important to public utility performance.

(4) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

52B (1) The Governor in Council may create an advisory council called the Performance Partnership Advisory Table that advises the Board.

(2) The Performance Partnership Advisory Table

(a) shall advise and make recommendations to the Board on performance areas, performance standards and minimum performance requirements respecting Nova Scotia Power Incorporated; and

(b) may request that the Board investigate a matter and prepare a report to assist the Performance Partnership Advisory Table in making recommendations to the Board.

(3) The Board

(a) shall consider the Performance Partnership Advisory Table's recommendations;

(b) may create new performance standards, requirements and minimums for Nova Scotia Power Incorporated in response to the Performance Partnership Advisory Table's recommendations;

(c) may consult with the Performance Partnership Advisory Table to determine whether Nova Scotia Power Incorporated has achieved adequate performance levels;

(d) may consult with the Performance Partnership Advisory Table on the nature and amount of any administrative penalties necessary to promote future compliance; and

(e) shall consult with the Performance Partnership Advisory Table on any other matter prescribed by the regulations.

- (4) The Governor in Council may make regulations respecting
 - (a) the composition of the Performance Partnership Advisory Table;
 - (b) the appointment, term of office and compensation of members;
 - (c) the authority of the Performance Partnership Advisory Table;
 - (d) matters on which the Board shall consult with the Performance Partnership Advisory Table;
 - (e) any other matter or thing the Governor in Council considers necessary or advisable in relation to the Performance Partnership Advisory Table.
- (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*.

4 (1) Subsection 52D(1) of Chapter 380, as enacted by Chapter 31 of the Acts of 2015, is amended by striking out “Sections 52A and 52B” in the fifth line and substituting “Section 52A”.

(2) Subsection 52D(2) of Chapter 380, as enacted by Chapter 31 of the Acts of 2015, is amended by striking out “Sections 52A and 52B” in the fourth line and substituting “Section 52A”.

(3) Subsection 52D(5) of Chapter 380 is repealed.

5 Subsection 52E(2) of Chapter 380 is repealed and the following subsection substituted:

- (2) The amount of any administrative penalty to be paid is the amount determined by the Board or prescribed by the regulations to be appropriate in order to promote future compliance with the performance standards and not for a punitive purpose or effect or for redressing a wrong done to society at large.

6 Subsection 52F(1) of Chapter 380, as enacted by Chapter 31 of the Acts of 2015, is amended by striking out clause (b) and substituting the following clauses:

- (b) respecting all aspects of performance in accordance with subsection 52A(1);
- (c) respecting the Performance Partnership Advisory Table in accordance with subsection 52B(4);
- (d) prescribing administrative penalty amounts in accordance with subsection 52E(2), including regulations respecting how penalties are to be calculated and how and to whom penalties are to be paid.

7 Subsection 73(3) of Chapter 380 is amended by adding “or a non-profit farmers’ market with a valid public market permit” after “institution” in the seventh line.

8 Section 79A of Chapter 380, as enacted by Chapter 5 of the Acts of 2014, is amended by striking out clause (f).
