



# **BILL NO. 337**

*Government Bill*

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*1st Session, 64th General Assembly  
Nova Scotia  
2 Charles III, 2023*

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

CHAPTER 17  
ACTS OF 2023

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
NOVEMBER 9, 2023**

The Honourable Tory Rushton  
*Minister of Natural Resources and Renewables*

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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) Section 4AA of Chapter 25 of the Acts of 2004, the *Electricity Act*, as enacted by Chapter 12 of the Acts of 2022, is amended by adding immediately after subsection (2) the following subsection:**

(2A) The Minister may require a public utility to enter into a sale agreement for some or all of the output from a specific generation facility that has received a purchase agreement under subsection (2), and such output must be sold to one or more customers, as specified by the Minister.

**(2) Section 4AA of Chapter 25, as enacted by Chapter 12 of the Acts of 2022, is further amended by adding immediately after subsection (4) the following subsection:**

(4A) The Minister may issue a sale agreement to the public utility and a specified customer, as described in subsection (2A), and shall determine the terms included in the agreement, including the specification of the customer or customers.

**(3) Subsection 4AA(6) of Chapter 25, as enacted by Chapter 12 of the Acts of 2022, is amended by striking out “a purchase agreement between the public utility and a generation facility” in the second and third lines and substituting “an agreement referred to in subsection (2) or (2A)”.**

**(4) Section 4AA of Chapter 25, as enacted by Chapter 12 of the Acts of 2022, is further amended by adding immediately after subsection (7) the following subsection:**

(7A) Notwithstanding subsection (7), the terms of an agreement referred to in subsection (2) or (2A) do not require approval of the Board under the *Public Utilities Act*.

**(5) Subsection 4AA(8) of Chapter 25, as enacted by Chapter 12 of the Acts of 2022, is amended by**

**(a) striking out “the purchase agreement between the public utility and the generation facility” in the second and third lines and substituting “an agreement referred to in subsection (2) or (2A)”;** and

**(b) adding immediately after clause (d) the following clause:**

(da) the terms and conditions of a sale agreement referred to in subsection (2A);

**2 (1) Section 4D of Chapter 25, as enacted by Chapter 6 of the Acts of 2023, is amended by adding immediately after subsection (2) the following subsection:**

(2A) The Governor in Council may prescribe an energy-storage project proposed by a public utility and owned wholly or in majority by the public utility, if in the opinion of the Governor in Council the project is in the best interests of ratepayers.

**(2) Subsection 4D(3) of Chapter 25, as enacted by Chapter 6 of the Acts of 2023, is amended by striking out “Subsection (2) applies” in the first line and substituting “Subsections (2) and (2A) apply”.**

**(3) Subsection 4D(4) of Chapter 25, as enacted by Chapter 6 of the Acts of 2023, is amended by striking out “Upon” in the first line and substituting “For the purpose of subsection (2), upon”.**

**(4) Section 4D of Chapter 25, as enacted by Chapter 6 of the Acts of 2023, is further amended by adding immediately after subsection (4) the following subsection:**

(4A) When prescribing an energy-storage project under subsection (2A), the Governor in Council shall prescribe any terms and conditions of the project that the Governor in Council considers necessary, including the project size and location.

**(5) Subsection 4D(9) of Chapter 25, as enacted by Chapter 6 of the Acts of 2023, is amended by adding immediately after clause (b) the following clauses:**

- (ba) prescribing a project under subsection (2A);
  - (bb) prescribing project terms and conditions under subsection (4A);
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