



BILL NO. 264

Government Bill

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

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

CHAPTER 6
ACTS OF 2023

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
APRIL 12, 2023**

The Honourable Tory Rushton
Minister of Natural Resources and Renewables

*Halifax, Nova Scotia
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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 Subsection 2(1) of Chapter 25 of the Acts of 2004, the *Electricity Act*, 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 Chapters 12 and 44 of the Acts of 2022, is further amended by

(a) relettering clauses (aa), (aaa) and (aaaa) as clauses (aaa), (aaaa) and (aaab), respectively;

(b) adding immediately after clause (a) the following clause:

(aa) “energy storage” means any technology or process that is capable of storing energy from the electricity grid for the purpose of returning part or all of that energy to the grid at a later time or to provide ancillary services;

and

(c) striking out clause (aac).

2 (1) Subsection 4B(1) of Chapter 25, as enacted by Chapter 14 of the Acts of 2010 and amended by Chapter 31 of the Acts of 2015 and Chapter 12 of the Acts of 2022, is further amended by

(a) adding “or energy storage” immediately after “electricity” in the second line of clause (a);

(b) adding “or energy-storage agreement” immediately after “agreement” in the last line of clause (a);

(c) adding “or energy storage” immediately after “electricity” in the second line of clause (b);

(d) adding “or energy-storage agreement” immediately after “agreement” in the last line of clause (b);

(e) adding “or energy storage” immediately after “electricity” in the second line of clause (e); and

(f) striking out “a person to act as the Procurement Administrator to conduct the procurement” in the last two lines and substituting “a procurement administrator to conduct a procurement for renewable low-impact electricity or energy storage”.

(2) Subsection 4B(1A) of Chapter 25, as enacted by Chapter 12 of the Acts of 2022, is amended by striking out “Procurement Administrator” in the first line and substituting “procurement administrator”.

(3) Subsection 4B(1B) of Chapter 25, as enacted by Chapter 12 of the Acts of 2022, is amended by adding “or energy storage” immediately after “electricity” in the second line.

(4) Subsection 4B(2) of Chapter 25, as enacted by Chapter 14 of the Acts of 2010 and amended by Chapter 31 of the Acts of 2015, is further amended by striking out “The Procurement Administrator” in the first line and substituting “A procurement administrator”.

(5) Subsection 4B(3) of Chapter 25, as enacted by Chapter 14 of the Acts of 2010 and amended by Chapter 31 of the Acts of 2015, is further amended by striking out “the Procurement Administrator” in the first and second lines and substituting “a procurement administrator”.

(6) Subsection 4B(4) of Chapter 25, as enacted by Chapter 14 of the Acts of 2010 and amended by Chapter 31 of the Acts of 2015, is further amended by striking out “Procurement Administrator” in the first and second lines of clause (a) and in the second and third lines of clause (b) and substituting in each case “procurement administrator”.

(7) Subsection 4B(7) of Chapter 25, as enacted by Chapter 14 of the Acts of 2010 and amended by Chapter 31 of the Acts of 2015, is further amended by

(a) striking out “the Procurement Administrator” in the first and second lines and substituting “a procurement administrator”; and

(b) striking out “Procurement Administrator” in the third line and substituting “procurement administrator”.

(8) Subsection 4B(7A) of Chapter 25, as enacted by Chapter 31 of the Acts of 2015, is amended by striking out “the Procurement Administrator” in the third line and substituting “a procurement administrator”.

(9) Subsection 4B(7B) of Chapter 25, as enacted by Chapter 31 of the Acts of 2015, is amended by striking out “the Procurement Administrator” in the third line and substituting “a procurement administrator”.

(10) Subsection 4B(8) of Chapter 25, as enacted by Chapter 14 of the Acts of 2010 and amended by Chapter 31 of the Acts of 2015, is further amended by striking out “the Procurement Administrator” in the second line and substituting “a procurement administrator”.

(11) Subsection 4B(9) of Chapter 25, as enacted by Chapter 31 of the Acts of 2015, is amended by

(a) adding “and energy storage” immediately after “electricity” in the first line; and

(b) striking out “the Procurement Administrator” in the second line and substituting “a procurement administrator”.

(12) Subsection 4B(10) of Chapter 25, as enacted by Chapter 31 of the Acts of 2015, is amended by striking out “The Procurement Administrator” in the first line and substituting “A procurement administrator”.

(13) Subsection 4B(12) of Chapter 25, as enacted by Chapter 31 of the Acts of 2015, is amended by

(a) striking out “the Procurement Administrator” in the first line and substituting “a procurement administrator”;

(b) adding “or energy storage” immediately after “electricity” in the second line; and

(c) adding “within 90 days of the written decision referred to in subsection (10)” immediately after “procurement” in the last line.

(14) Section 4B is further amended by adding immediately after subsection (13) the following subsections:

(13A) A procurement administrator shall, in consultation with the public utility, prepare standard-form agreements to be used for procuring renewable low-impact electricity or energy storage under this Section which must be approved by the Board before any procurement.

(13B) The public utility shall, in a timely manner, provide all data or information reasonably required and requested by the procurement administrator for the purpose of preparing the standard-form agreements for procuring renewable low-impact electricity or energy storage.

(13C) Any dispute between the public utility and a procurement administrator must be arbitrated before the Board.

(15) Subsection 4B(14) of Chapter 25, as enacted by Chapter 31 of the Acts of 2015, is amended by striking out “(11)” in the second line and substituting “(10A)”.

3 Subsection 4BA(2) of Chapter 25, as enacted by Chapter 12 of the Acts of 2022, is amended by adding “and energy storage” immediately after “electricity” in the second line.

4 Clause 4BC(1)(g) of Chapter 25, as enacted by Chapter 12 of the Acts of 2022, is amended by adding “and energy storage” immediately after “electricity” in the second line.

5 Sections 4D and 4E of Chapter 25 are repealed and the following Section substituted:

4D (1) In this Section, “energy-storage project” means a facility, or group of facilities, that is comprised of one or more energy-storage units and includes any structures, equipment, controls or other components to support the provision of services to the electricity system.

(2) The Minister may require a public utility to enter into an agreement for the purchase of some or all of the services provided by an energy-storage project.

(3) Subsection (2) applies only to an energy-storage project that

- (a) provides electricity system benefits;
- (b) reduces costs for ratepayers; and
- (c) is unique or innovative.

(4) Upon an energy-storage project being prescribed by the Governor in Council, the Minister shall issue a standard-form energy-storage agreement to a public utility and a project owner, including pricing or compensation for services provided, with any additional terms and conditions as may be prescribed by the regulations.

(5) A public utility subject to an energy-storage agreement under this Section shall, in a timely manner, provide the Minister with any operational data or other information the Minister deems necessary to structure the agreement.

(6) The Minister shall ensure the terms and conditions contained in an energy-storage agreement under this Section are in the best interests of ratepayers.

(7) A public utility may recover amounts paid for energy storage under this Section through rates approved by the Board under the *Public Utilities Act*.

(8) A public utility shall permit any plant or equipment relating to an energy-storage project approved under this Section and the regulations to connect to its electrical grid in the manner and time frame provided by the regulations.

(9) The Governor in Council may make regulations respecting any aspect of an energy-storage project or an energy-storage agreement under this Section, including

- (a) prescribing the eligible project, including structures, equipment, controls or other components of a project;
- (b) the time frame for entering into an agreement to purchase the output from a project;
- (c) obligations for data collection related to the use of the service, operations and economics of a project, and the format in which this information is to be provided to the Minister;
- (d) the minimum and maximum term for an agreement;
- (e) any other matter the Governor in Council considers necessary or advisable for the proper administration of the program.

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

6 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 12 of the Acts of 2022, is further amended by

- (a) adding “or energy storage” immediately after “power-purchase” in the second line of clause (da); and**

(b) striking out “renewable electricity administrator” in clauses (df), (dm), (dn), (do), (dp) and (dq) and substituting in each case “procurement administrator”.
