



BILL NO. 263

Government Bill

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

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

CHAPTER 8
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
Printed by Authority of the Speaker of the House of Assembly*

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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1 Section 52E of Chapter 380 of the Revised Statutes, 1989, the *Public Utilities Act*, is repealed and the following Section substituted:

52E (1) The amount of any administrative penalty to be paid by Nova Scotia Power Incorporated 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.

(2) The cumulative total of administrative penalties levied against Nova Scotia Power Incorporated in a calendar year must not exceed twenty-five million dollars.

(3) Any administrative penalties levied against Nova Scotia Power Incorporated must be credited to customers as prescribed by the regulations.

(4) Where a method of crediting administrative penalties to customers is not prescribed by the regulations, credits to customers may be allocated amongst Nova Scotia Power Incorporated's customers in any manner, in any amount and through any mechanism that the Board determines appropriate.

(5) Nova Scotia Power Incorporated shall not recover any administrative penalty imposed on it under this Section through its rates.

(6) The Governor in Council may make regulations creating a fund to be managed and maintained by Nova Scotia Power Incorporated to serve as a means of holding penalty funds to be paid out to customers.

(7) The exercise by the Governor in Council of the Authority contained in subsection (6) is a regulation within the meaning of the *Regulations Act*.

2 Subsection 52F(1) of Chapter 380, as enacted by Chapter 31 of the Acts of 2015 and amended by Chapter 27 of the Acts of 2022, is further amended by

(a) striking out "52E(2)" in the second line of clause (d) and substituting "52E(1)";

(b) striking out the period at the end of clause (d) and substituting a semicolon; and

(c) adding immediately after clause (d) the following clauses:

(e) prescribing how administrative penalties are to be credited to customers in accordance with subsection 52E(3);

(f) prescribing the collection of any data or information by the Minister or the Board that is necessary to assess Nova Scotia Power Incorporated's

performance, including the timing and frequency of the data or information collection.
