

Energy and Regulatory Boards Act

SCHEDULE A OF CHAPTER 2 OF THE ACTS OF 2024



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SCHEDULE A OF CHAPTER 2 OF THE ACTS OF 2024

An Act to Establish the Nova Scotia Energy Board, the Nova Scotia Regulatory and Appeals Board and the Energy and Regulatory Boards Tribunal

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Short title

1 This Act may be cited as the *Energy and Regulatory Boards Act*.
2024, c. 2, Sch. A, s. 1.

Interpretation

2 In this Act, unless the context otherwise requires,

“alternative form of regulation” means a method of establishing just and reasonable rates, tolls, charges and tariffs by performance-based regulation, including earnings sharing, price caps, price indexing formulas, ranges of authorized rates of return and the increase, reduction or suspension of regulatory requirements, without regard to methods based strictly upon cost of service, rate base and rate of return;

“Board” means the Energy Board or the Regulatory and Appeals Board, as the context requires;

“Chair” means the Chair of the Energy Board and the Regulatory and Appeals Board;

“Clerk” means a person appointed by the Chair to serve as a clerk of the Board;

“Court of Appeal” means the Nova Scotia Court of Appeal;

“Energy Board” means the Nova Scotia Energy Board;

“energy resources” means resources capable of providing transmission service or capacity or energy, including wind, solar, hydrogen, battery technology or other energy storage resources, distributed energy, demand side management resources, demand response and control resources, combined heat and power resources and hybrid peaking resources, and combinations of such resources;

“former Act” means the former *Utility and Review Board Act*;

“member” means a member of either Board;

“municipality” means a regional municipality, a town or a municipality of a county or district;

“predecessor board” means the former Nova Scotia Utility and Review Board;

“public utility” means a public utility within the meaning of the *Public Utilities Act*;

“Regulatory and Appeals Board” means the Nova Scotia Regulatory and Appeals Board;

“Supreme Court” means the Supreme Court of Nova Scotia;

“Tribunal” means the Energy and Regulatory Boards Tribunal. 2024, c. 2, Sch. A, s. 2.

NOVA SCOTIA ENERGY AND REGULATORY BOARDS TRIBUNAL

Energy and Regulatory Board Tribunal

3 The Nova Scotia Utility and Review Board is continued as the Energy and Regulatory Boards Tribunal. 2024, c. 2, Sch. A, s. 3.

NOVA SCOTIA ENERGY BOARD

Nova Scotia Energy Board

4 The Nova Scotia Energy Board is established as a division of the Tribunal. 2024, c. 2, Sch. A, s. 4.

Powers and duties

5 (1) The Energy Board has those functions, powers and duties that are conferred or imposed upon it

- (a) by this Act;
- (b) by the *More Access to Energy Act*;
- (c) respecting the production, transmission, delivery or furnishing of electrical energy for the purpose of heat, light and power or steam heat, geothermal heat, geothermal resources and electricity efficiency and conservation, by the *Public Utilities Act*;
- (d) by the *Gas Distribution Act*, the *Electricity Act*, the *Petroleum Products Pricing Act* or any other enactment; and
- (e) as the Governor in Council prescribes by the regulations.

(2) The Governor in Council may assign to the Energy Board the powers, functions and duties of any board, commission or agency and while the assignment is in effect, that board, commission or agency is discontinued and Section 43 applies with necessary changes respecting that board, commission or agency. 2024, c. 2, Sch. A, s. 5.

Approving and fixing rates, regulatory powers

6 (1) In approving or fixing just and reasonable rates, tolls, charges or tariffs pursuant to this Act or any other enactment, the Energy Board may adopt any method or technique that it considers appropriate, including an alternative form of regulation.

(2) In approving or fixing rates, tolls, charges, tariffs, capital applications and all other matters over which the Energy Board has authority, the Board shall give appropriate consideration to the extent to which such rates, tolls, charges, tariffs, capital applications or other matters

- (a) support competition and innovation in the provision of energy resources in the Province;
- (b) support the development of a competitive electricity market;
- (c) ensure the provision of safe, secure, reliable and economical energy supply in the Province;
- (d) support sustainable development and sustainable prosperity; and
- (e) support such other factors as prescribed by the regulations,

with the goal of approving rates, tolls, charges, tariffs, capital applications or other matters that are consistent with the purpose of this Act, the *More Access to Energy Act* and the regulations.

(3) Subject to subsection (4), the Energy Board shall regulate

- (a) the Independent Energy Systems Operator, transmitters and all matters relating to public utilities that perform the functions of production, transmission, delivery or furnishing of electrical energy to or for the public for the purpose of heat, light and power, geothermal resources, geothermal energy, geothermal heat or steam heat;
- (b) the franchise holder granted a franchise pursuant to Section 79C of the *Public Utilities Act*;
- (c) the Halifax Water district energy project;
- (d) any holder of the franchise to construct and operate a gas delivery system in the Province pursuant to the *Gas Distribution Act*; and
- (e) any other entity or service prescribed by the regulations.

(4) The Governor in Council may make regulations

- (a) prescribing factors for the Energy Board to consider when approving rates, tolls, charges or tariffs, capital applications and all other matters over which the Energy Board has authority respecting the production, transmission, delivery or furnishing of electrical energy for the purpose of heat, light and power or steam heat, including combined heat and power;
- (b) excluding any entity or service from the jurisdiction of the Energy Board.

(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*.

(6) The Energy Board shall endeavour to issue fair decisions in relation to all matters in a manner that is efficient, effective and as timely as possible.

(7) The Energy Board shall make public all approved rates, tolls, charges, tariffs and capital applications on its website and update these documents as required. 2024, c. 2, Sch. A, s. 6.

Membership

⁷ (1) The Energy Board consists of such number, not fewer than five and not more than seven, of full-time members appointed by the Governor in Council and such number, not more than three, of part-time members appointed by the Governor in Council.

(2) Each member of the Energy Board shall be sworn to the faithful performance of that member's duties before entering office.

(3) Each full-time member holds office for a term, on good behaviour, not exceeding 10 years and may be reappointed for subsequent terms not exceeding 10 years.

(4) Each part-time member holds office for such term as the Governor in Council determines.

(5) Notwithstanding subsections (1) to (4), a member of the predecessor board, who is reassigned to the Energy Board pursuant to this Act, is a member of the Energy Board and holds office on good behaviour as a member thereof on the same full-time or part-time basis, as the case may be, for the same term and upon the same conditions as for the predecessor board and of which the member is, immediately before the coming into force of this Section, a member.

(6) Where a member of the Energy Board resigns from, retires from or reaches the end of the member's term with the Energy Board, the member, during such period of time as the Governor in Council determines, respecting any application, appeal, proceeding, matter or thing heard before the member or commenced by the member as a member, has and shall exercise the jurisdiction of a member, including the power to complete any unfinished matter and give a decision therein, as if the member had not so resigned, retired or finished the member's term.

(7) A determination by the Governor in Council pursuant to subsection (6) may be made before or after such resignation, retirement or end of term and may be retroactive in effect.

(8) Notwithstanding the limits set out in subsection (1), where the Chair considers it appropriate, the Chair may appoint a member of the Regulatory and Appeals Board to sit as a member of the Energy Board on a matter-by-matter basis.

(9) Notwithstanding subsections (1) to (7), the Chair may reassign a member of the predecessor board to the Energy Board on a permanent basis and such reassigned member holds office for the same term and upon the same conditions under which the member was appointed. 2024, c. 2, Sch. A, s. 7.

REGULATORY AND APPEALS BOARD

Nova Scotia Regulatory and Appeals Board

8 The Nova Scotia Regulatory and Appeals Board is established as a division of the Tribunal. 2024, c. 2, Sch. A, s. 8.

Powers and duties

9 (1) The Regulatory and Appeals Board has those functions, powers and duties that are conferred or imposed on it by

- (a) this Act;
- (b) the *Assessment Act*;
- (c) the *Expropriation Act*;
- (d) the *Halifax Regional Municipality Charter*;
- (e) the *Heritage Property Act*;
- (f) the *Insurance Act*;
- (g) the *Motor Carrier Act*;
- (h) the *Municipal Government Act*;
- (i) the *Public Utilities Act*, other than those matters assigned under clause 5(1)(c);
- (j) the *Education (CSAP) Act*;
- (k) the *Revenue Act*;
- (l) any other enactment; and
- (m) the Governor in Council,

and responsibility for those matters that were assigned to the predecessor board in addition to those listed in clauses (a) to (m) and not assigned to the Energy Board under Section 5.

(2) The Governor in Council may assign to the Regulatory and Appeals Board the powers, functions and duties of any board, commission or agency and while the assignment is in effect, that board, commission or agency is discontinued and Section 43 applies with necessary changes respecting that board, commission or agency.

(3) Subject to subsection (4), the Regulatory and Appeals Board has specific jurisdiction over

- (a) the public utilities defined in subclauses 2(e)(i), (ii), (iii) and (v) of the *Public Utilities Act*;
- (b) the services defined in subclauses 2(f)(i), (ii) and (v) of the *Public Utilities Act*;
- (c) any other entity, service or matter currently under the jurisdiction of the predecessor board but not assigned specifically to the Energy Board; and
- (d) any entity, service or matter prescribed by the regulations.

(4) The Governor in Council may make regulations excluding any entity or service from the jurisdiction of the Regulatory and Appeals Board.

(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*.

(6) The Regulatory and Appeals Board shall endeavour to issue fair decisions in relation to all matters in a manner that is efficient, effective and as timely as possible. 2024, c. 2, Sch. A, s. 9.

Membership

10 (1) The Regulatory and Appeals Board consists of such number, not fewer than five and not more than seven, of full-time members appointed by the Governor in Council and such number, not more than three, of part-time members appointed by the Governor in Council.

(2) Each member of the Regulatory and Appeals Board shall be sworn or affirmed to the faithful performance of that member's duties before entering office.

(3) Each full-time member shall be appointed, for good behaviour, for a term not exceeding 10 years and may be reappointed for subsequent terms not exceeding 10 years.

(4) Each part-time member holds office for such term as the Governor in Council determines.

(5) Notwithstanding subsections (1) to (4), a member of the Regulatory and Appeals Board, who, immediately before the coming into force of this Section, is a member of the predecessor board, is a member of the Regulatory and Appeals Board and holds office as a member thereof on the same full-time or part-time basis as the case may be, for the same term and upon the same conditions, on good behaviour, as for the predecessor board to which the member was first appointed and of which the member is, immediately before the coming into force of this Section, a member.

(6) Where a member of the Regulatory and Appeals Board resigns from, retires from or reaches the end of the member's term with the Regulatory and Appeals Board, the member, during such period of time as the Governor in Council determines, respecting any application, appeal, proceeding, matter or thing heard before the member or commenced by the member as a member, has and shall exercise the jurisdiction of a member, including the power to complete any unfinished matter and give a decision therein, as if the member had not so resigned, retired or finished the member's term.

(7) A determination by the Governor in Council pursuant to subsection (6) may be made before or after such resignation, retirement or end of term and may be retroactive in effect.

(8) Notwithstanding the limits set out in subsection (1), where the Chair considers it appropriate, the Chair may appoint a member of the Energy Board to sit as a member of the Regulatory and Appeals Board on a matter-by-matter basis.

(9) Notwithstanding subsections (1) to (7), the Chair may reassign a member of the predecessor board to the Regulatory and Appeals Board on a permanent basis and the reassigned member holds office for the same term and upon the same conditions under which the member was appointed. 2024, c. 2, Sch. A, s. 10.

GENERAL

Chair and Vice-chairs

- 11 (1) The Governor in Council shall designate
- (a) one of the full-time members to be the Chair of the Energy Board and the Regulatory and Appeals Board;
 - (b) one full-time member of the Energy Board to be Vice-chair of that Board; and
 - (c) one full-time member of the Regulatory and Appeals Board to be Vice-chair of that Board.

(2) The Chair has the general supervision and direction over the conduct of the affairs of the Boards and the Tribunal.

(3) In case of the absence of the Chair or the Chair's inability to act, the Chair shall designate the Vice-chair of either Board to perform the duties and exercise the powers of the Chair.

(4) Where the Chair is unable to designate a Vice-chair under subsection (3), the Vice-chair of the Energy Board shall designate another member to act.

(5) Where the Vice-chair of the Energy Board is unable to designate a member under subsection (4), the Vice-chair of the Regulatory and Appeals Board shall designate another member to act.

(6) The Chair may delegate some or all of the Chair's duties to another member of the Board as necessary and for any term necessary. 2024, c. 2, Sch. A, s. 11.

Transitional

12 (1) The Chair of the predecessor board continues to be the Chair of the Energy Board and the Regulatory and Appeals Board on the coming into force of this Act.

(2) The Vice-chair of the predecessor board continues as the Vice-chair of the Energy Board on the coming into force of this Act. 2024, c. 2, Sch. A, s. 12.

Remuneration and reimbursement

13 Notwithstanding subsections 7(5) and 10(5), a member shall be paid such remuneration as the Governor in Council determines and, subject to the regulations, shall be reimbursed for reasonable travelling and other expenses necessarily incurred by the member in connection with the work of the Board. 2024, c. 2, Sch. A, s. 13.

Conflict of interest

14 (1) No member who acts in a matter affecting a public utility shall be directly or indirectly employed by or interested in a public utility or interested in a share, stock, bond, mortgage, security or contract of the public utility and, where a member voluntarily becomes so interested, the member's office becomes vacant or, where the member becomes so interested otherwise than voluntarily, the member shall, within a reasonable time, dispose of the interest.

(2) Where a member fails to dispose of an interest as required by subsection (1), the Governor in Council may revoke the appointment of the member.

(3) No member is disqualified from acting in a matter affecting a public utility by reason only of being a purchaser of power, water or electric current or service from the public utility.

(4) No member is disqualified from acting in a matter affecting a municipality by reason only of being a resident or ratepayer of the municipality.
2024, c. 2, Sch. A, s. 14.

Officers, employees and experts

15 (1) The Chair may appoint such officers and employees as are required for the administration of this Act and for administration and support to the Tribunal in accordance with the *Civil Service Act*.

(2) In making appointments under subsection (1), the Chair shall consider the staffing requirements of the Tribunal to support both Boards with the intent of ensuring the efficient use of such officers and employees to carry out the administration of this Act and the affairs of the Tribunal.

(3) The Chair may engage the services of professional persons, technical persons and experts to advise the Board upon such terms and conditions as the Chair deems fit.

(4) A Board may avail itself of the services of an officer or other employee of a board, commission or department of the Province, subject to the approval of the minister or other person in charge of the administration of the service in which the officer or employee is employed.

(5) For greater certainty, persons who, immediately before the coming into force of this Section, are officers and employees of the predecessor board are officers and employees, respectively, of the Tribunal. 2024, c. 2, Sch. A, s. 15.

Public Service Superannuation Act

16 (1) For all purposes of the *Public Service Superannuation Act*, each full-time member and each full-time employee of the Tribunal is deemed to be a person employed in the public service of the Province and full-time service in employment of the Tribunal is deemed to be public service.

(2) The Tribunal shall deduct from the salary of each full-time member and each full-time employee of the Tribunal such amount as is directed by the Governor in Council to be deducted from the salary of employees in the public

service of the Province, and shall pay the same to the Minister of Finance and Treasury Board, and such amounts when so received must be paid into and form part of the Superannuation Fund pursuant to the *Public Service Superannuation Act*.

(3) Where, by the *Public Service Superannuation Act*, a payment is directed to be made into the Superannuation Fund by the Government or by the Minister of Finance and Treasury Board, or where by that Act a superannuation allowance or other sum is directed to be paid out of the General Revenue Fund of the Province, then, in respect of a full-time member of a Board or of a full-time employee of the Tribunal, the payment, superannuation allowance or other sum must be defrayed by the Tribunal and forms part of the annual expenses of the Tribunal. 2024, c. 2, Sch. A, s. 16.

Tribunal expenses

17 The expenses of the Tribunal must be paid out of the levies made by the Tribunal through the Boards, and out of money appropriated by the Legislature therefor and, until an appropriation is granted, out of the General Revenue Fund of the Province on the direction of the Minister of Finance and Treasury Board. 2024, c. 2, Sch. A, s. 17.

Fiscal year

18 The fiscal year of the Tribunal is the same as the fiscal year of the Province. 2024, c. 2, Sch. A, s. 18.

Fees and charges

19 (1) A Board may establish reasonable fees or other charges for the recovery of expenses to be paid by parties in proceedings before that Board.

(2) The fees and charges authorized under this Section are in addition to the right to levy any fee, charge, assessment or similar payment authorized under any other enactment.

(3) A Board may require parties to provide a deposit or other security for the payment of fees and charges.

(4) A Board may charge interest on fees or charges owing by a party at a rate not to exceed the interest rate determined by subsection 15(2) of the *Finance Act*.

(5) A Board may bring legal proceedings in any court of competent jurisdiction to recover amounts owing under this Section.

(6) A Board may, on such terms and conditions deemed appropriate, waive any fees, charges or interest authorized under this Section. 2024, c. 2, Sch. A, s. 19.

Board establishes own practice and procedure

20 A Board may make rules respecting practice and procedure in relation to matters coming before it. 2024, c. 2, Sch. A, s. 20.

Powers and duties of Chair

21 (1) The Chair has the responsibility for the administration of the Boards and the members and, without limiting the generality of the foregoing, shall assign the members to their various sittings and may change an assignment at any time.

(2) The Chair may direct an officer or employee of the Tribunal to attend a sitting of either Board and may prescribe that person's duties.

(3) The Chair shall

(a) determine the number of members to attend the hearing of an application, appeal or other matter before a Board; and

(b) determine the quorum with respect to the application, appeal or other matter.

(4) The Chair, when present, shall preside at all sittings of a Board, and in the Chair's absence, the member designated by the Chair to preside shall preside. 2024, c. 2, Sch. A, s. 21.

Simultaneous hearings, vacancy

22 (1) The members may sit separately at the same time to hear and determine matters before a Board if there is a quorum in each case.

(2) A vacancy on a Board does not impair the right of the remaining members to act. 2024, c. 2, Sch. A, s. 22.

Chair and Board may authorize inquiry

23 (1) The Chair may authorize a member of a Board to inquire into and report to that Board upon a matter within the jurisdiction of that Board or pending before it, and when so authorized that member has, for the purpose of taking evidence or obtaining information for the report, all the powers of that Board.

(2) A Board may appoint or direct a person to make an inquiry and report to the Board upon a matter within the jurisdiction of the Board. 2024, c. 2, Sch. A, s. 23.

Public Inquiries Act

24 In a matter over which a Board has jurisdiction, the Board and each member has all the powers, privileges and immunities of a commissioner appointed pursuant to the *Public Inquiries Act*. 2024, c. 2, Sch. A, s. 24.

Powers of Board members

25 (1) A member may administer oaths or affirmations, certify as to official acts and issue subpoenas to compel the attendance of witnesses and the production of books, accounts, papers, records, documents and testimony.

(2) Where a person fails to comply with an order of a Board or a subpoena or where a witness refuses to testify to a matter regarding which the witness may be interrogated before a Board or a member, a judge of the Supreme Court shall, on application of the Board or a member of that Board, compel obedience by attachment proceedings for contempt as in the case of disobedience of the require-

ments of a subpoena issued by the Court or a refusal to testify therein. 2024, c. 2, Sch. A, s. 25.

Evidence of witness

26 A Board may, in an investigation, cause the evidence of witnesses residing within or outside of the Province to be taken in the manner prescribed by law for like depositions and civil actions in the Supreme Court. 2024, c. 2, Sch. A, s. 26.

Board may receive evidence

27 A Board may receive in evidence any statement, document, information, electronic records or matter that, in the opinion of the Board, may assist it to deal with the matter before that Board whether or not the statement, document, information or matter is given or produced under oath or would be admissible as evidence in a court of law. 2024, c. 2, Sch. A, s. 27.

Adjournment of hearing

28 A hearing may be adjourned by either Board on reasonable grounds on its own motion or on the request of a party to the proceedings. 2024, c. 2, Sch. A, s. 28.

Parties, proceedings at hearing

29 (1) A party may be represented before a Board by counsel.

(2) In a hearing before a Board, a party may call and examine witnesses, cross-examine opposing witnesses and present arguments and submissions. 2024, c. 2, Sch. A, s. 29.

Jurisdiction of Board

30 (1) A Board has exclusive jurisdiction in all cases and in respect of all matters in which jurisdiction is conferred on the Board.

(2) The Boards, as to all matters within their jurisdiction pursuant to this Act, may hear and determine all questions of law and of fact. 2024, c. 2, Sch. A, s. 30.

Questions of fact

31 (1) In determining a question of fact, a Board is not bound by the finding or judgment of a court in a proceeding involved in the determination of the fact, but such finding or judgment is, in proceedings before the Board, *prima facie* evidence only.

(2) A Board has jurisdiction to hear and determine a question of fact notwithstanding that a proceeding involving the same question of fact is pending in a court.

(3) The finding or determination of a Board upon a question of fact within its jurisdiction is binding and conclusive. 2024, c. 2, Sch. A, s. 31.

Order of Board

32 (1) In any matter before a Board, it shall grant an order, either as specified in the application or notice of appeal or as the Board decides.

(2) It is not necessary that an order of a Board show upon its face that any proceedings or notice was had or given or circumstances existed necessary to give it jurisdiction to make the order. 2024, c. 2, Sch. A, s. 32.

Final decision in writing, with reasons

33 (1) A final decision of a Board must be in writing and must set forth reasons for the decision.

- (2) The reasons for the final decision must include
- (a) any agreed findings of facts;
 - (b) the findings of fact on the evidence; and
 - (c) the conclusions of law based on the findings referred to in clauses (a) and (b).

(3) The Clerk shall certify a copy of a final decision and send a copy to each party to the proceeding. 2024, c. 2, Sch. A, s. 33.

Costs and fees

34 (1) Except in respect of a proceeding pursuant to the *Municipal Government Act* or the *Halifax Regional Municipality Charter*, costs of and incidental to a proceeding before a Board, are in the discretion of the Board and may be fixed at a sum certain or may be taxed.

(2) A Board may order by whom costs are to be taxed and may prescribe the scale under which costs are to be taxed.

(3) Where a Board so orders, witnesses summoned to give evidence before the Board are entitled to fees as determined by the Board.

(4) The Boards shall make rules, individually or jointly, respecting pre-approval of intervenor costs for non-profit intervenors, including any rules respecting recovery of those costs in certain circumstances, as prescribed by the Boards. 2024, c. 2, Sch. A, s. 34.

Order of the Supreme Court

35 (1) An order made by a Board may be made a rule or order of the Supreme Court, and thereupon may be enforced in like manner as a rule, order, decree or judgment of that Court.

(2) To make an order of a Board a rule or order of the Supreme Court, the Clerk may make a certified copy of the order upon which must be endorsed:

Make the within a rule or order of the Supreme Court of Nova Scotia

Dated this _____ day of _____, 20____

Chair

Nova Scotia Energy Board/Nova Scotia Regulatory and Appeals Board

(3) The endorsement must be signed by the Chair and sealed with the seal of the Board that made the order.

(4) The Clerk shall forward the certified copy so endorsed to a prothonotary of the Supreme Court, who shall, upon receipt thereof, enter the same as of record, and it thereupon becomes and is an order of the Court and is enforceable as a rule, order, decree or judgment of the Court.

(5) Where a decision or order of a Board has been made a rule or order of the Supreme Court, a decision or order of the Board rescinding or varying the same rescinds and is deemed to rescind or vary the rule or order, and may in like manner be made a rule or order of the Supreme Court. 2024, c. 2, Sch. A, s. 35.

Appeal

36 (1) An appeal lies to the Court of Appeal from an order of a Board upon any question as to its jurisdiction or upon any question of law, upon filing with the Court a notice of appeal within 30 days after the issuance of the order.

(2) A notice of appeal must contain the names of the parties and the date of the order appealed from.

(3) A copy of the notice of appeal must be served upon the other parties within 10 days of filing the notice of appeal with the Court of Appeal.

(4) Where there is a conflict between this Section and another enactment, that enactment prevails. 2024, c. 2, Sch. A, s. 36.

Question of law

37 (1) A Board may, upon its own motion with leave of the Attorney General or the Court of Appeal or upon the request of the Governor in Council, state a case in writing for the opinion of the Court upon a question that, in the opinion of the Board, is a question of law.

(2) The Court of Appeal shall hear and determine the question of law arising thereon and remit the matter to the Board making the motion with the opinion of the Court thereon. 2024, c. 2, Sch. A, s. 37.

True copy

38 (1) A document, including electronic records, purporting to be certified by a member or by the Clerk to be a true copy of a document deposited with a Board or of any portion thereof is, without proof of signature or office of the person who purported to have signed the document, prima facie evidence

(a) of the original document;

(b) that the original is so deposited and is signed, certified, attested or executed as shown on or appearing from the certified copy; and

(c) where the certificate states the time when the original was so deposited, that it was deposited at the time so stated.

(2) A copy of a regulation, order, plan or document in the custody of the Clerk or on record with a Board, purporting to be certified by a member of either Board or by the Clerk to be a true copy and purporting to be sealed with the seal of one of the Boards, is prima facie evidence of the regulation, order, plan or document without proof of the signature of the person purporting to certify it.

(3) Upon application and upon payment of the fee prescribed by a Board, the Clerk shall provide a certified copy of a regulation, rule, decision or order of the Board or of a map, plan or document deposited with the Board. 2024, c. 2, Sch. A, s. 38.

ADMINISTRATION

Annual report

39 (1) The Tribunal shall, in each year, make a report to the Governor in Council on its activities during the fiscal year ending in that year, and the report must contain such particulars as the Governor in Council may prescribe by the regulations.

(2) Each report must be laid before the House of Assembly by the Attorney General or, where it is not sitting, within 15 sitting days after it next sits.

(3) The Tribunal shall publish and distribute such information in respect of its activities as in its judgement may be useful. 2024, c. 2, Sch. A, s. 39.

Regulations

- 40** (1) The Governor in Council may make regulations
- (a) prescribing the terms and conditions, including remuneration, for the Boards engaging the services of professional persons, technical persons and experts to advise the Boards;
 - (b) respecting the location of hearings of the Boards;
 - (c) requiring public notice of hearings of the Boards, with power to prescribe the manner in which and by whom the notice shall be given;
 - (d) prescribing the necessary parties to applications, appeals or other matters or proceedings before the Boards;
 - (e) permitting persons who are not parties to an application, appeal or other matter or proceeding before the Boards to participate in an application, appeal or other matter or proceeding, with power to prescribe the extent of the participation;
 - (f) respecting the keeping of a record of proceedings before the Boards;
 - (g) respecting the release of information by the Boards;
 - (h) respecting the publication of orders of the Boards;
 - (i) respecting the annual report of the Tribunal;
 - (j) prescribing any thing authorized by this Act to be prescribed by the Governor in Council;

(k) defining any word or expression used in this Act and not defined herein;

(l) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) A regulation made pursuant to subsection (1) may be of general application or may apply to such class or classes of hearings, applications, appeals or other matters or proceedings and to such class or classes of orders and information as the Governor in Council determines and there may be different regulations with respect to different classes.

(3) For greater certainty, where a regulation made pursuant to subsection (1) conflicts with any Act of the Legislature, that Act prevails.

(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*. 2024, c. 2, Sch. A, s. 40.

TRANSITIONAL

Reference to predecessor board, regulations

41 (1) A reference in any Act of the Legislature or in any rule, order, regulation, bylaw, ordinance or proceeding or in any document whatsoever to the predecessor board, or its predecessor boards set out in Section 47 of the former Act, is to be, as regards any subsequent transaction, matter or thing, be held and construed to be a reference to the Regulatory and Appeals Board or the Energy Board, or both, as the context requires.

(2) All regulations made under the former Act that are in force immediately before this Act comes into force continue to be in force under this Act.

(3) Without limiting the generality of subsection (1), a reference to the Board under the regulations made under the former Act refers to both the Regulatory and Appeals Board and the Energy Board, and a reference to the former Act is a reference to this Act. 2024, c. 2, Sch. A, s. 41.

Periodic report still required

42 Where the predecessor board is, immediately before the coming into force of this Act, required by an enactment to make a periodic report, the enactment, to the extent that it requires a periodic report, continues to apply to the Tribunal, except that the enactment is to be read and construed as requiring that compliance with the requirement be completed as soon as practical after the coming into force of this Act. 2024, c. 2, Sch. A, s. 42.

Jurisdiction

43 For greater certainty, every matter before the predecessor board immediately before the coming into force of this Act that falls within the jurisdiction of the Energy Board or the Regulatory and Appeals Board pursuant to this Act is continued before the appropriate Board and, where any such matter has been heard, in whole or in part, by any members of the predecessor board, it must be heard by those members, regardless of which Board they sit on. 2024, c. 2, Sch. A, s. 43.

Former Act repealed

44 The former Act is repealed. 2024, c. 2, Sch. A, s. 44.

EFFECTIVE DATE

Effective date

45 This Act comes into force on and not before such day as the Governor in Council orders and declares by proclamation. 2024, c. 2, Sch. A, s. 45.

Proclaimed - October 24, 2024
In force - April 1, 2025
