



BILL NO. 97

Government Bill

*4th Session, 61st General Assembly
Nova Scotia
61 Elizabeth II, 2012*

**An Act to Amend Chapter 380
of the Revised Statutes, 1989,
the Public Utilities Act,
to Ensure Fairer Power Rates**

CHAPTER 41
ACTS OF 2012

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
DECEMBER 6, 2012**

The Honourable Charlie Parker
Minister of Energy

*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,
to Ensure Fairer Power Rates**

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Fairer Power Rates Act*.

2 Chapter 380 of the Revised Statutes, 1989, the *Public Utilities Act*, is amended by adding immediately after Section 34 the following Section:

34A (1) The Board may order and thereupon Nova Scotia Power Incorporated shall furnish to the Board an independent savings review of Nova Scotia Power Incorporated to identify potential savings by Nova Scotia Power Incorporated.

(2) The Board may order that the independent savings review include

(a) an assessment of the operations of Nova Scotia Power Incorporated;

(b) an assessment of Nova Scotia Power Incorporated's fiscal management of its revenue and expenses;

(c) a value-for-money assessment examining the economy, efficiency and effectiveness of the operations and management of Nova Scotia Power Incorporated; and

(d) such other matters as the Board may determine, if the Board considers the matters relevant to the assessment of potential savings.

(3) An order made pursuant to subsection (1) may include such terms and conditions as the Board considers necessary or advisable.

3 (1) Subsection 64A(2) of Chapter 380, as enacted by Chapter 45 of the Acts of 2006, is amended by striking out "less than twelve" in the second line and substituting "sooner than twenty-four".

(2) Section 64A of Chapter 380, as enacted by Chapter 45 of the Acts of 2006, is further amended by adding immediately after subsection (2) the following subsections:

(2A) Notwithstanding subsection (2), the utility may not be granted a general rate increase to take effect sooner than January 1, 2015.

(2B) Nothing in this Section restricts the authority of the Board to order a staged or multi-year general rate increase.

(2C) Subsections (2) and (2A) do not apply to a general rate increase arising out of the utility's application dated May 8, 2012 (Matter No. M04972).

(3) Subsection 64A(3) of Chapter 380, as enacted by Chapter 45 of the Acts of 2006, is amended by striking out “Subsection (2) does” in the first line and substituting “Subsections (2) and (2A) do”.

4 Chapter 380 is further amended by adding immediately after Section 64A the following Section:

64B (1) In this Section, “report” means the report required by subsection (2).

(2) Nova Scotia Power Incorporated shall submit to the Board

(a) on or before January 1, 2013; and

(b) with each application for a general rate increase made after January 1, 2013,

a report identifying who the executive employees of Nova Scotia Power Incorporated are, the position held by each executive employee and the remuneration to which each executive employee is entitled.

(3) The Board shall review the report and determine whether it accurately reflects who the executive employees of Nova Scotia Power Incorporated are, the position held by each executive employee and the remuneration to which each executive employee is entitled.

(4) The Board may prescribe the content and form of the report.

(5) The Board shall review the report either

(a) *ex parte*; or

(b) after such notice and public hearing as the Board in its discretion determines.

(6) The Board shall either

(a) approve the report; or

(b) reject the report and require Nova Scotia Power Incorporated to amend the report on such terms and conditions as the Board considers necessary or advisable.

(7) Where Nova Scotia Power Incorporated fails to amend the report within thirty days of being required to do so, the Board shall determine who is an executive employee of Nova Scotia Power Incorporated for the purpose of this Section.

(8) Nova Scotia Power Incorporated shall not recover from any rate, charge or fee approved by the Board

(a) any bonus or incentive compensation; or

(b) any other remuneration, except remuneration that is prescribed by the regulations,

paid to an executive employee of Nova Scotia Power Incorporated as identified in an approved report or determined by the Board.

5 Chapter 380 is further amended by adding immediately after Section 117 the following Section:

118 (1) The Governor in Council may make regulations

(a) prescribing the remuneration of an executive employee of Nova Scotia Power Incorporated that Nova Scotia Power Incorporated may recover from a rate, charge or fee approved by the Board, which remuneration must be derived from the pay plan, as established from time to time, used for deputy ministers in the public service of the Province;

(b) defining any word or expression used but not defined in this Act;

(c) further defining any word or expression defined in this Act;

(d) respecting any matter or thing the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Act.

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