



BILL NO. 149

Government Bill

*1st Session, 65th General Assembly
Nova Scotia
4 Charles III, 2025*

An Act Respecting Energy

CHAPTER 18
ACTS OF 2025

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
OCTOBER 3, 2025**

The Honourable Trevor Boudreau
Minister of Energy

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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An Act Respecting Energy

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Powering the Offshore Act*.

PART I

MARINE RENEWABLE-ENERGY ACT

2 Section 30A of Chapter 32 of the Acts of 2015, the *Marine Renewable-energy Act*, as enacted by Chapter 5 of the Acts of 2024, is amended by striking out “by a maximum of five years”.

3 Chapter 32 is further amended by adding immediately after Section 30A the following Sections:

30B (1) In this Section, “merged licence” means a licence that is issued by the Minister pursuant to this Section in place of two or more existing licences.

(2) Upon the written request of a licence holder, the Minister may combine two or more licences, each of which is held by that licence holder, and issue to the licence holder a new licence in place of those licences if

(a) the licence areas of the two or more licences to be combined are contiguous; and

(b) the licences to be combined are for the same project and for the same technology.

(3) In deciding whether to combine licences, the Minister shall consider any factors prescribed by the regulations.

(4) The merged licence must comply with the following:

(a) the licence area of the merged licence cannot include any area not within licence areas of the licences being combined;

(b) the nameplate capacity of the merged licence cannot exceed the cumulative aggregate nameplate capacity of the licences being combined;

(c) the merged licence must maintain the same term length and be within the same licence areas as the licences being combined but, where one licence has a longer term length, the merged licence may have the longer term length if the Minister deems it appropriate;

(d) the merged licence must have the same terms and conditions as the licences being combined or, subject to clauses (a) to (c), the merged licence may have such other terms and conditions prescribed by the regulations or deemed appropriate by the Minister.

(5) The Minister shall revoke the original power purchase agreements issued to the licence holder and issue a new power purchase agreement for the merged licence in accordance with the following:

- (a) the licence holder and the public utility are deemed to have entered into the new power purchase agreement;
- (b) the Minister may keep the rate within the power purchase agreement the same or may decrease it, in accordance with any factors prescribed by the regulations;
- (c) the term of the new power purchase agreement cannot exceed the term of the original power purchase agreement; and
- (d) the Minister may, in consultation with the licence holder, extend the final in-service date of the new power purchase agreement.

4 Subsection 71(1) of Chapter 32, as amended by Chapter 12 of the Acts of 2017, Chapter 19 of the Acts of 2022 and Chapter 5 of the Acts of 2024, is further amended by adding immediately after clause (jc) the following clauses:

- (jd) prescribing factors to be considered by the Minister when making a decision on whether to combine existing licences and issue a merged licence;
- (je) prescribing terms and conditions for new licences issued upon combining existing licences;
- (jf) prescribing factors for the Minister to consider in determining the rate for new power purchase agreements issued under Section 30B;

PART II

PUBLIC UTILITIES ACT

5 Clause 2(cc) of Chapter 380 of the Revised Statutes 1989, the *Public Utilities Act*, as enacted by Chapter 27 of the Acts of 2022 and amended by Chapter 2 of the Acts of 2024, is further amended by striking out “Natural Resources and Renewables” and substituting “Energy”.

6 (1) Subsection 21B(2) of Chapter 380, as enacted by Chapter 2 of the Acts of 2024, is amended by striking out “and authorities” and substituting “, authorities, rights and exemptions”.

(2) Section 21B of Chapter 380, as enacted by Chapter 2 of the Acts of 2024, is further amended by adding immediately after subsection (2) the following subsection:

(2A) For greater certainty, only subsection 18(2) and Section 22 of the *Nova Scotia Power Privatization Act* apply to an ownership arrangement prescribed under subsection (1) if the public utility project partner is Nova Scotia Power Incorporated.

SCHEDULE

An Act Respecting Electricity

Be it enacted by the Governor and Assembly as follows:

- 1 This Act may be cited as the *Electricity Act*.
- 2 (1) In this Act,
 - “Board” means the Nova Scotia Energy Board;
 - “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;
 - “hydrogen facility” means a facility that produces or processes hydrogen, or both;
 - “IESO” means the Nova Scotia Independent Energy System Operator established under the *More Access to Energy Act*;
 - “IESO-controlled grid” has the same meaning as in the *More Access to Energy Act*;
 - “market participant” has the same meaning as in the *More Access to Energy Act*;
 - “Minister” means the Minister of Energy;
 - “municipal utility” means the Board of Commissioners of the Berwick Electric Commission, The Electric Light Commissioners for Riverport in the County of Lunenburg or an electric utility of the Municipality of the District of Guysborough, the Town of Antigonish, the Town of Lunenburg or the Town of Mahone Bay;
 - “Nova Scotia Power” means Nova Scotia Power Incorporated;
 - “plant or equipment” has the same meaning as in the *Public Utilities Act*;
 - “public utility” means any person that transmits, delivers or furnishes electric power or energy and is regulated as a public utility under the *Public Utilities Act*, but does not include a retail supplier;
 - “retail customer” means a person who uses, for the person’s own consumption in the Province, electricity that the person did not generate;
 - “retail supplier” means a person who is authorized to sell renewable low-impact electricity in accordance with this Act and the regulations, but does not include a wholesale customer;
 - “wholesale customer” means Nova Scotia Power, a municipal utility or the owner or operator of a hydrogen facility approved to participate in the hydrogen innovation program under Section 36.
- (2) Commencing on such date as prescribed in the regulations, “renewable electricity” includes hydroelectricity, whether generated in or imported into the Province.
- (3) For greater certainty, the presence of generators or energy storage devices on customer premises does not constitute a “substantially different circumstance” for the purpose of Section 67 of the *Public Utilities Act*.
- 3 Notwithstanding Section 117 of the *Public Utilities Act*, where there is a conflict between this Act and that Act, this Act prevails.
- 4 (1) The Minister has the general supervision and management of this Act and the regulations.
- (2) The Minister may establish and administer policies, programs, standards, guidelines, objectives, codes of practice, directives and approval processes under this Act.
- 5 (1) Effective on the date prescribed in the regulations and, for greater certainty, notwithstanding Section 303 of the *Municipal Government Act*, wholesale customers may purchase electricity from any competitive supplier.

(2) Nova Scotia Power shall develop and file with the Board for approval an open-access transmission tariff to enable the purchase of electricity for the purpose of subsection (1) and, for greater certainty, Section 77 of the *Public Utilities Act* does not apply.

(3) The tariff referred to in subsection (2) must ensure open and non-discriminatory access to wholesale customers.

(4) IESO shall administer an open access transmission tariff to enable the purchase of electricity for the purpose of subsection (1) and, for greater certainty, Section 77 of the *Public Utilities Act* does not apply.

(5) The tariff referred to in subsection (4) must ensure open and non-discriminatory access to wholesale customers and market participants.

(6) Nova Scotia Power shall develop and maintain a system to facilitate the import of electricity to and export of electricity from the Province for the purpose of this Section.

(7) The Board has all the power and authority necessary to implement this Section.

6 (1) In this Section, “customer” means all metered accounts registered to the same person or entity under the same rate code in the same distribution zone.

(2) A public utility may develop and maintain a program that permits any customer to generate electricity for the customer’s own use and to sell any excess electricity to the public utility at a rate equivalent to the rate paid by the customer for electricity supplied to the customer by the public utility.

(3) Notwithstanding subsection (2), Nova Scotia Power shall develop and maintain a program that permits a customer to generate electricity for the customer’s own use and to sell electricity to Nova Scotia Power at a rate equivalent to the rate paid by the customer for electricity supplied to the customer by Nova Scotia Power.

(4) A program developed under subsection (3) only applies

(a) to a customer who installs a generator with a nameplate capacity of more than 27 kilowatts;

(b) if the generator and the customer’s load are not connected to the same meter; or

(c) to other customer classes as prescribed by the regulations.

(5) Only electricity generated by a customer that is renewable low-impact electricity qualifies for the program referred to in subsection (3).

(6) In any calendar year, Nova Scotia Power may not compensate a customer for electricity generated in excess of that customer’s consumption in that calendar year.

(7) A program developed and maintained pursuant to subsection (2) or (3) must receive the approval of the Board before it is implemented by the public utility.

(8) The public utility shall collect the data as prescribed by the regulations and provide the Minister with information derived from the data at such times and in such form as the Minister may determine.

(9) The Governor in Council may make regulations respecting any aspect of a program developed or maintained under subsection (2) or (3), including

(a) program requirements and conditions, including customer classes;

(b) participant eligibility requirements;

(c) the application process;

(d) duties of the public utility with respect to the program;

(e) project limitations, including limitations with respect to generator nameplate capacities;

(f) the identification of and conditions respecting equipment to be used to

(i) measure the amount of electricity produced by a generator and the time it is supplied,

(ii) measure the amount of electricity supplied to the customer by the public utility and the time it is supplied, and

(iii) measure the amount of electricity supplied to the public utility by the customer's generator and the time it is supplied;

(g) standards that must be adhered to;

(h) enforcement measures and mechanisms;

(i) costs, fees and penalties;

(j) obligations relating to data collection, reporting and the sharing of information;

(k) the sale of renewable low-impact electricity to the public utility;

(l) oversight of the program by the Board;

(m) requirements or conditions with respect to any agreement between a customer and the public utility;

(n) any other matter the Governor in Council considers necessary or advisable for the proper administration of the program.

7 (1) A Nova Scotia Power customer may, as of right, with no requirement to participate in a Nova Scotia Power program, install a renewable low-impact generator or energy storage device with a total nameplate capacity of 27 kilowatts or less.

(2) A customer who generates the customer's own electricity shall ensure the equipment meets the standards prescribed by the regulations.

(3) Subject to subsection (4), Nova Scotia Power shall purchase excess electricity from a customer who has installed a renewable low-impact generator or energy storage device with a nameplate capacity of 27 kilowatts or less to generate electricity for the customer's own use.

(4) Nova Scotia Power shall purchase electricity under subsection (3) up to a maximum of the customer's total usage per calendar year at a rate equivalent to the rate paid by the customer, but is not required to compensate a customer for electricity generated by the customer in excess of the customer's total consumption in a calendar year.

(5) Customers who generate their own electricity are not required to enter into a contractual agreement with Nova Scotia Power for the sale of their generated electricity if the nameplate capacity of the customer's generator is 27 kilowatts or less.

(6) Nova Scotia Power shall transition all existing net-metering customers who were issued contracts for the purchase of their generated electricity to the program referred to in subsection (3), but shall continue to abide by the terms of those contracts, including payment for excess energy generated by the customer, until those contracts are terminated pursuant to subsection (7).

(7) A contract between Nova Scotia Power and a net-metering customer in effect as of April 22, 2022, may be terminated when

(a) the customer's electrical service is disconnected;

(b) the customer has not generated any electricity for a period of 12 calendar months; or

(c) the customer's generating facility is not in compliance with the terms of the contract.

8 (1) A public utility may not create a fee structure, nor impose system access charges, that discourage customers from developing, installing and using their own renewable low-impact energy generators or energy storage devices.

(2) Nova Scotia Power shall develop standard terms and conditions for all customers, including customers who generate their own electricity.

9 The Governor in Council may make regulations

(a) prescribing the duties of a public utility respecting net-metering;

(b) setting standards for equipment used by customers to generate their own electricity.

10 In this Section and Sections 11 to 16,

“community solar garden” means a facility that generates energy by means of a ground-mounted or roof-mounted solar photovoltaic device for the use of subscribers who receive a bill credit for the electricity generated in proportion to the size of their subscription;

“community solar program” means a program established under Section 11 that permits a customer, group of customers or third party to generate solar energy

(a) for the customer’s, group’s or third party’s use; and

(b) where there is an excess electricity generated, to sell the excess to Nova Scotia Power at a rate prescribed by the regulations;

“project owner” means the eligible entity or group of entities that own and operate a community solar garden and are responsible for enlisting subscribers;

“subscriber” means an eligible retail customer of Nova Scotia Power who owns one or more subscriptions of a community solar garden interconnected with that public utility;

“subscription” means a contract between a subscriber and a project owner.

11 (1) The Minister shall develop and maintain a community solar program that permits any Nova Scotia Power customer, group of customers or third party to generate solar energy for the customer’s, group’s or third party’s use and to sell any excess electricity to Nova Scotia Power in accordance with the conditions and requirements and at the rate prescribed by the regulations.

(2) Upon receipt of an application under the community solar program, the Minister shall approve or deny the application within the time and in the manner prescribed by the regulations.

(3) Where the Minister approves an application under the community solar program, the Minister shall determine the rate at which the public utility must purchase the electricity from the project owners.

(4) The Minister shall develop a power purchase agreement, in accordance with the requirements prescribed by the regulations, and file it with the Board for review and approval.

(5) The Minister may issue a power purchase agreement to an approved project owner and Nova Scotia Power is bound by the terms of the agreement.

12 (1) A project owner and a subscriber must enter into a subscription agreement.

(2) Neither Nova Scotia Power nor a municipal electric utility may be a subscriber or project owner.

13 When a community solar garden commences commercial operation, Nova Scotia Power shall update its billing system such that the electricity produced by the community solar garden offsets the subscribers’ electricity demand and any renewable energy certificates are managed in accordance with the regulations.

14 (1) Nova Scotia Power shall develop a system for collecting fees payable by subscribers, make it available for use by project owners and perform such other related duties as may be prescribed by the regulations.

(2) The project owner shall share the following subscriber data with Nova Scotia Power for the purpose of billing:

(a) name, address and account number;

(b) the quantity of energy subscribed; and

(c) such other data as prescribed by the regulations.

15 Nova Scotia Power shall perform hosting capacity analysis of each of its substations and feeders and shall make this information public to the extent possible.

16 The Governor in Council may make regulations respecting any aspect of the community solar program developed or maintained under Sections 11 to 15, including

(a) establishing a community solar program cap and eligibility requirements for project owners;

- (b) program requirements and conditions;
- (c) project limitations, including establishing the maximum generator nameplate capacity for community solar gardens;
- (d) establishing an application window and application requirements, review dates and processes for project owners;
- (e) project owner and subscriber eligibility requirements;
- (f) requirements and conditions with respect to an agreement between a project owner and subscriber;
- (g) prescribing the form and content of a subscription agreement, including how fees are charged and calculated;
- (h) prescribing additional terms and conditions that may apply upon the issuance of a subscription agreement;
- (i) prescribing the form and content of and terms and conditions required in a power purchase agreement, including how fees are charged and calculated;
- (j) the sale of excess electricity from solar energy to Nova Scotia Power, including setting a rate;
- (k) obligations relating to data collection, reporting and the sharing of information;
- (l) duties of the public utility with respect to the program;
- (m) the transfer of renewable energy certificates from Nova Scotia Power to a subscriber or project owner;
- (n) costs and fees;
- (o) setting a date for a review of the community solar program;
- (p) prescribing anything that is to be prescribed under Sections 11 to 15;
- (q) any other matter the Governor in Council considers necessary or advisable for the proper administration of the program.

17 Notwithstanding the *Public Utilities Act*,

- (a) a retail supplier is not a public utility to which the *Public Utilities Act* applies unless the retail supplier is deemed to be a public utility by the regulations; and
- (b) the *Public Utilities Act* applies to a retail supplier who is deemed to be a public utility by the regulations, subject to any restrictions prescribed by the regulations.

18 (1) A retail supplier who meets the requirements in Section 19 may sell renewable low-impact electricity generated within the Province and a retail customer, other than a customer of a municipal utility, may purchase that electricity from that supplier.

(2) In any sale pursuant to subsection (1), the retail supplier shall transfer or assign all emission credits or allowances arising from the use of renewable energy sources to the retail customer.

(3) Nova Scotia Power shall not refuse to provide service to a retail customer on the basis that the customer purchases renewable low-impact electricity from a retail supplier.

(4) The Board has all the power and authority necessary to implement this Section.

19 (1) No person shall act or purport to act as a retail supplier unless the person has been issued a retail supplier licence pursuant to Section 20.

(2) Subsection (1) does not apply to a person who is

- (a) deemed to be a public utility by the regulations; or
- (b) a member of a class or category of retail suppliers prescribed by the regulations.

20 (1) A person may apply for a retail supplier licence in the manner prescribed by the regulations.

(2) Subject to any qualifications prescribed by the regulations, the Board may issue a retail supplier licence to an applicant, subject to any terms and conditions the Board considers appropriate and any terms and conditions prescribed by the regulations.

(3) The holder of a retail supplier licence may apply to amend the licence in the manner prescribed by the regulations.

(4) Where an application is made pursuant to subsection (3), the Board may

(a) amend the retail supplier licence, subject to any terms and conditions the Board considers appropriate and any terms and conditions prescribed by the regulations;

(b) cancel the retail supplier licence and grant a new retail supplier licence, subject to any terms and conditions the Board considers appropriate and any terms and conditions prescribed by the regulations; or

(c) deny the application.

(5) The Board may, in its discretion, and shall, where prescribed by the regulations, amend, suspend, reinstate or cancel a retail supplier licence.

21 No person shall transfer or assign a retail supplier licence unless the Board, in its discretion, permits the person to do so or the transfer or assignment is permitted by the regulations.

22 (1) Notwithstanding Section 77 of the *Public Utilities Act*, Nova Scotia Power, or IESO in relation to matters falling under its scope of authority pursuant to the *More Access to Energy Act*, shall maintain in consultation with stakeholders, and file with the Board for approval, any tariffs, procedures and standards of conduct and any amendments to existing tariffs, procedures and standards of conduct that are necessary to facilitate the purchase of renewable low-impact electricity as provided for in Section 18, including

(a) a new or amended open access transmission tariff;

(b) a distribution tariff;

(c) a new or amended backup or top-up service tariff;

(d) a new or amended non-dispatchable supplier spill tariff;

(e) new or amended interconnection procedures;

(f) new or amended market rules; and

(g) any other tariffs, procedures or standards of conduct prescribed by the regulations or that the Board requires Nova Scotia Power to develop or amend in order to facilitate the purchase of renewable low-impact electricity as provided for in Section 18.

(2) In reviewing and approving the tariffs, procedures and standards of conduct required to be maintained or amended pursuant to this Section, the Board must be guided by the following principles:

(a) customers of Nova Scotia Power and persons who, as of March 18, 2014, were independent power producers or hold feed-in tariff approvals within the meaning of the regulations are not to be negatively affected if some retail customers choose to purchase renewable low-impact electricity from a retail supplier; and

(b) retail suppliers and their customers are to be responsible for all costs related to the provision of service by retail suppliers to their customers that would otherwise be the responsibility of Nova Scotia Power and its customers.

23 (1) A person who sells or supplies electricity to a customer shall comply with the renewable electricity standards set out in the regulations.

(2) Renewable electricity standards referred to in subsection (1) must require that a minimum amount of electricity is produced from renewable sources.

24 (1) In this Section, “generation facility” means a renewable low-impact electricity generation facility as prescribed by the regulations.

(2) The Minister may require a public utility to enter into a contract for the purchase of some or all of the output of a generation facility.

(3) 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.

(4) Subsection (2) applies only to a generation facility that is in operation immediately prior to April 22, 2022, and providing electricity to one or more customers, or for a proposed generation facility, if the generation facility was not previously issued a power purchase agreement under another program under this Act.

(5) The Minister shall issue a purchase agreement to the public utility and a generation facility and shall determine the terms included in the agreement.

(6) The Minister may issue a sale agreement to the public utility and a specified customer, as described in subsection (3), and shall determine the terms included in the agreement, including the specification of the customer.

(7) The Minister may issue a purchase agreement only to a generation facility prescribed by the regulations.

(8) The Minister shall ensure the terms and conditions contained in an agreement referred to in subsection (2) or (3) are in the best interests of the ratepayers.

(9) A public utility is entitled to recover amounts it is required to pay for electricity supplied to it pursuant to this Section through rates approved by the Board under the *Public Utilities Act*.

(10) Notwithstanding subsection (9), the terms of an agreement referred to in subsection (2) or (3) do not require approval of the Board under the *Public Utilities Act*.

(11) The Governor in Council may make regulations respecting any aspect of an agreement referred to in subsection (2) or (3), including

- (a) prescribing facilities or classes of facilities as generation facilities;
- (b) the time frame for entering into a contract to purchase the generation output;
- (c) setting a maximum price per kilowatt hour for the renewable low-impact electricity;
- (d) the minimum term for a purchase agreement;
- (e) the terms and conditions of a sale agreement referred to in subsection (3);
- (f) any other matter the Governor in Council considers necessary or advisable for the proper administration of the program.

(12) The Governor in Council may not prescribe facilities or classes of facilities as generation facilities under clause (11)(a) if the total aggregate output of all generation facilities prescribed under that clause

- (a) meets or exceeds 1,140 MW; or
- (b) would, where so prescribed, exceed 1,140.1 MW.

25 (1) The Minister may, after a call for applications, and in accordance with the regulations, issue one or more power purchase agreements to holders of a submerged land licence issued under the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation and Offshore Renewable Energy Management (Nova Scotia) Act*.

(2) The Minister may not issue a power purchase agreement under subsection (1) unless the submerged land licence holder's application meets all of the following requirements:

- (a) the submerged land licence for offshore renewable energy is valid and in force;
- (b) the project and price meets provincial energy objectives and policies; and
- (c) any additional criteria specified by the regulations or included in the call for applications issued by the Minister.

- (3) The power purchase agreement issued by the Minister must include
 - (a) a term of not more than 30 years from the commercial operation date;
 - (b) a fixed or indexed purchase price for the energy;
 - (c) project milestones, a commercial operation date and termination clauses; and
 - (d) a performance guarantee or other financial security, as determined by the Minister.

(4) The form of the power purchase agreement must be approved by the Nova Scotia Energy Board prior to the Minister opening the call for applications.

(5) The Minister shall ensure that the terms and conditions of the power purchase agreements issued under subsection (1) are in the best interests of ratepayers.

(6) The Minister may delegate some or all of the Minister's responsibilities under this Section to a third party, such as a regulator or a procurement administrator appointed under Section 27.

- (7) Governor in Council may make regulations respecting
 - (a) terms and conditions for a call for applications, including how long the call may be open for, timelines for Ministerial review and the Minister's authority to request additional information;
 - (b) terms and conditions for project eligibility, including any provincial policy objectives;
 - (c) terms and conditions to be included in the power purchase agreements;
 - (d) requirements for data collection, reporting requirements and requirements for the sharing of information;
 - (e) application fees;
 - (f) financial security to be paid to the Minister at the time the application is made.

26 Where IESO procures energy resources in accordance with the *More Access to Energy Act* and the regulations made under that Act, IESO may require that a public utility

- (a) purchase the energy resources; and
- (b) ensure that all appropriate agreements are entered into once the agreement is complete.

27 (1) Where

- (a) the Governor in Council directs a procurement of renewable low-impact electricity or energy storage from one or more independent power producers with generation facilities located in the Province under a long-term power-purchase agreement or energy-storage agreement;
- (b) the Governor in Council directs a procurement in relation to a generator within the meaning of the *Marine Renewable-energy Act*; or
- (c) the Governor in Council directs a procurement of renewable low-impact electricity or energy storage in relation to a program established pursuant to Section 30,

the Governor in Council may appoint a procurement administrator to conduct a procurement for renewable low-impact electricity or energy storage.

(2) A procurement administrator appointed under subsection (1) may not be a civil servant employed by the Government at the time of the appointment.

(3) The Minister may extend the term of a procurement administrator.

(4) The Governor in Council may direct a single procurement to procure renewable low-impact electricity or energy storage for one or more programs listed under clause (1)(a), (b) or (c).

(5) A procurement administrator appointed under subsection (1) holds office for the term determined by the Governor in Council and subject to such conditions as are determined by the Governor in Council.

(6) The fees and expenses of a procurement administrator in performing the functions and duties provided in this Section

- (a) must be paid to the procurement administrator by the Board; and

(b) may include the cost of retaining experts and legal counsel to provide the procurement administrator with advice on technical and legal matters.

(7) The Board may recover the costs under subsection (6) from public utilities in the same manner it recovers its other expenses under Section 15 of the *Public Utilities Act*.

(8) The Minister may require a party who proposes a project under this Section to provide security to the procurement administrator in a form and amount specified by the Minister.

(9) The procurement administrator shall keep any security received under subsection (8) in trust for the Crown in right of the Province until a final decision on the procurement process is reached.

(10) Upon a final decision in the procurement process being reached, security required under subsection (8) must be

- (a) returned to a party whose proposal is not selected; or
- (b) credited towards any other form of security required where the project is awarded and security is required.

28 (1) Where the Governor in Council appoints a procurement administrator for a procurement under subsection 27(1), the procurement administrator, instead of the public utility, shall issue a request for proposals and award the contract or contracts for the procurement.

(2) A public utility shall procure all electricity and energy storage under a contract awarded by a procurement administrator pursuant to a request for proposals authorized under this Section and the regulations.

(3) A procurement administrator shall evaluate responses to a request for proposals and choose successful bidders, and provide a written decision to the public utility and to each bidder in the manner and within the time prescribed by the regulations.

(4) Within 30 days after the receipt of the written decision referred to in subsection (3), the public utility or a bidder may appeal the decision to the Board for errors of law, jurisdictional errors or breaches of natural justice.

29 (1) Where a procurement administrator has selected one or more bidders for the supply of electricity or energy storage to a public utility, the public utility shall enter into the agreements necessary to evidence the procurement within 90 days of the written decision referred to in subsection 28(3).

(2) The Board shall allow a public utility to recover the costs of the public utility's contracts referred to in subsection (1) through its rates approved by the Board under the *Public Utilities Act*.

(3) 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.

(4) 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.

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

(6) The Minister, on the Minister's own initiative or at the request the procurement administrator, the Board or an interested party, may provide an extension of the time required to do anything under this Section.

(7) The Governor in Council may make regulations

- (a) prescribing additional duties and powers of the Minister under this Section;
- (b) relating to the content and conduct of a request for proposals undertaken by a procurement administrator;
- (c) relating to the awarding of contracts;

- (d) limiting the parties who may participate in a request for proposals undertaken by a procurement administrator under clauses 27(1)(a) to (c);
- (e) for the purpose of subsection 28(3);
- (f) respecting the content of the agreements necessary to evidence the procurement;
- (g) defining any terms used but not defined in this Section or used in a procurement process conducted under this Section.

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

30 (1) In this Section and Sections 31 and 32,

“Green Choice Program” means the program developed pursuant to subsection (2);

“participant” means a prescribed person or entity who is authorized to take part in the program referred to in subsection (2);

“supplier” means an independent power producer.

(2) The Minister shall develop and maintain the Green Choice Program to procure renewable low-impact electricity and energy storage, provided by a supplier, to meet a participant’s electricity load through a billing structure set out in the regulations.

(3) A participant may apply to the Minister to take part in the Green Choice Program by submitting an application in the form and in accordance with the procedure prescribed by the regulations.

(4) The Minister may, in writing,

(a) delegate some or all of the responsibilities for the Green Choice Program to a third party, including a procurement administrator, with the requisite qualifications and experience; and

(b) revoke or revise a delegation made under clause (a) at any time.

31 (1) Nova Scotia Power shall issue proof of renewable energy certification for all participants in the Green Choice Program on an annual basis.

(2) Nova Scotia Power shall make any necessary billing adjustments to ensure that participants are not subject to any costs related to Nova Scotia Power’s compliance with the *Greenhouse Gas Emissions Regulations* made under subsection 28(6) and Section 112 of the *Environment Act* for electricity procured under the Green Choice Program.

(3) Nova Scotia Power shall abide by the terms of the contracts issued under the Green Choice Program, including the participant agreements.

32 (1) The Governor in Council may make regulations respecting any aspect of the Green Choice Program, including

(a) program requirements, conditions and limitations;

(b) participant eligibility requirements;

(c) supplier eligibility requirements;

(d) the form and information required for a participant’s application;

(e) a participant’s application process and fees;

(f) the responsibilities of the Minister with respect to receiving and evaluating a participant’s application;

(g) the amount and type of renewable low-impact electricity and energy storage that may be procured;

(h) the percentage of renewable low-impact electricity that may be procured based on a participant’s electricity load;

(i) establishing time frames that set out service standards Nova Scotia Power, the participants and suppliers must meet;

- (j) the content and requirements with respect to contracts between Nova Scotia Power, a participant and a supplier;
- (k) the process, requirements and limitations with respect to the billing structure for a participant in the Green Choice Program;
- (l) tiered pricing for participants to reduce risk to non-participating ratepayers that must be incorporated by Nova Scotia Power into the billing structure;
- (m) a maximum amount for the tiered pricing range;
- (n) forms or agreements associated with the Green Choice Program;
- (o) obligations relating to data collection, reporting and the sharing of information;
- (p) policies and guidelines;
- (q) enforcement measures and mechanisms;
- (r) costs, fees and penalties;
- (s) how electricity procured under the Green Choice Program meets renewable low-impact electricity standards;
- (t) prescribing anything that is to be prescribed pursuant to Sections 30 and 31;
- (u) any other matter the Governor in Council considers necessary or advisable for the proper administration of the Green Choice Program

33 (1) In this Section,

“curtailment” means, based on instruction sent to a generation facility from the system operator, the decrease or cessation of the generation facility’s generation output;

“system operator” means IESO or Nova Scotia Power.

(2) This Section applies to a generation facility that has received a power-purchase agreement under a procurement initiated under Section 27.

(3) A generation facility may not be compensated for any curtailment until such curtailment exceeds five per cent of its total energy bid as defined within the generation facility’s power-purchase agreement.

(4) Where a generation facility’s curtailment exceeds five per cent of its total energy bid, the generation facility shall be compensated for the curtailment by the purchaser of the generation facility’s generation output at the rate set out in the power-purchase agreement unless

(a) the generation facility was not generating electricity at the time the system operator instructed the facility to decrease or stop its generation output; or

(b) the instruction to decrease or stop the generation facility’s generation output was sent due to an unforeseeable emergency or *force majeure* event.

(5) The system operator shall determine and define what constitutes an emergency or *force majeure* event for the purpose of clause (4)(b) and, where requested by a generation facility, shall provide that reasoning to the generation facility.

(6) A dispute respecting a curtailment may be appealed to the Board.

34 (1) In this Section,

“account holder” means a person or entity who has an account with Nova Scotia Power;

“energy” means electricity;

“energy data” means any energy usage and account holder information identified in REQ.21.1.5t or REQ.21.2.6t in the NAESB ESPI standard, certified by the Green Button Alliance, that is collected by Nova Scotia Power and made available to an account holder in the normal course of Nova Scotia Power’s operations, excluding any data collected with respect to projects that are being undertaken on a trial basis.

(2) Nova Scotia Power shall comply with such other requirements as may be prescribed by the regulations for the purpose of this Section, including publicly releasing additional data.

(3) Nova Scotia Power shall submit to the Board or to the Minister such reports and information as the Board or the Minister, as the case may be, may require from time to time, including a summary of how many customers have opted into the Green Button program.

(4) Nova Scotia Power shall in accordance with the NAESB ESPI standard and any additional procedural requirements that may be established by the Board, make energy data about an account holder available to

- (a) the account holder; and
- (b) where applicable, a person or entity authorized by the account holder to receive the energy data.

(5) Nova Scotia Power shall ensure that account holders and, where applicable, persons authorized by the account holder, have access to the account holder's energy data for at least the lesser of

- (a) the previous 24 months; and
- (b) the period of time within the previous 24 months during which the account holder had an account with Nova Scotia Power.

(6) Nova Scotia Power shall ensure that the energy data made available pursuant to subsections (4) and (5) provides energy usage information for intervals of one hour or less, subject to any limitations of Nova Scotia Power's metering infrastructure.

(7) The Governor in Council may make regulations

- (a) governing the manner in which energy data must be made available by Nova Scotia Power, including prescribing additional data to be released publicly and in what manner;
- (b) requiring and governing reports and information that Nova Scotia Power must provide to the Minister, the Board or other persons or entities, including prescribing the manner in which the reports or information must be provided;
- (c) prescribing anything that is to be prescribed pursuant to this Section.

35 (1) The Minister shall develop and maintain a hydrogen innovation program for the interconnection of a hydrogen facility to the electrical grid of a public utility for the purpose of hydrogen production and processing.

(2) The owner or operator of a hydrogen facility may apply to the Minister to participate in the hydrogen innovation program by submitting an application in the manner prescribed by the regulations.

(3) The Minister may only approve an application made under subsection (2) if the hydrogen facility meets the hydrogen innovation program requirements and conditions prescribed by the regulations.

(4) The Governor in Council may make regulations respecting any aspect of the hydrogen innovation program including

- (a) program requirements and conditions;
- (b) participant eligibility requirements;
- (c) the application process, including any documents or information required by the Minister as part of the application package;
- (d) approval or licensing requirements;
- (e) evaluation of the carbon intensity of the hydrogen and greenhouse gas emissions of the hydrogen facility;
- (f) obligations relating to data collection, reporting and the sharing of information with the Minister, the owner or operator of the hydrogen facility or any other party;
- (g) performance standards;
- (h) enforcement measures and mechanisms;
- (i) costs, fees and penalties;
- (j) requirements or conditions respecting any agreement for the sale or purchase of renewable low-impact electricity or hydrogen produced from the hydrogen facility;
- (k) requirements or conditions respecting consumption of the hydrogen produced or processed by the hydrogen facility in the Province;

(l) any other matter the Governor in Council considers necessary or advisable for the proper administration of the program.

36 (1) The Minister may, in writing, delegate to an employee of the Department of Energy who, in the Minister's opinion, has the requisite qualifications and experience, any power or duty conferred or imposed on the Minister under this Act, with the exception of regulation-making powers.

(2) Where the Minister delegates a power or duty under subsection (1), the Minister may prescribe how the power or duty is to be exercised or performed and impose any requirements in relation to or restrictions on the exercise or performance of the power or duty that the Minister considers appropriate.

(3) The Minister may revoke or revise a delegation made under subsection (1).

37 (1) The Governor in Council may make regulations

- (a) setting out the date or dates required for the purpose of subsection 2(2) or 5(1);
- (b) respecting the tariff referred to in subsection 5(2) or (4);
- (c) respecting import and export rights;
- (d) prescribing classes or categories of retail suppliers who are deemed to be public utilities and any provisions of the *Public Utilities Act* that do not apply with respect to them;
- (e) prescribing classes or categories of retail suppliers who do not require retail supplier licences to act or purport to act as retail suppliers;
- (f) prescribing tariffs, procedures and standards of conduct for the purpose of clause 22(1)(g);
- (g) respecting renewable electricity standards, their administration and enforcement;
- (h) prescribing terms and conditions required to be included in a power-purchase or energy-storage agreement;
- (i) prescribing costs to be recovered in a tariff set by the Board;
- (j) delegating responsibilities to a procurement administrator;
- (k) respecting the certification or decertification of generation facilities;
- (l) respecting the monitoring of generation facilities for compliance with this Act and the regulations;
- (m) respecting the interconnection of generation facilities with the electrical grid;
- (n) providing for the development of terms and conditions required to be included in a request for proposals;
- (o) prescribing the qualifications for a procurement administrator;
- (p) assigning additional responsibilities to a procurement administrator;
- (q) requiring compliance by a procurement administrator with policies and procedures;
- (r) respecting records to be maintained by, reporting by and the audit of the records of a procurement administrator;
- (s) respecting written decisions of a procurement administrator;
- (t) respecting standards that biomass sources must meet in order to qualify as a source of renewable low-impact electricity;
- (u) defining any word or expression used but not defined in this Act;
- (v) respecting any other matter the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Act.

(2) The Board may make regulations

- (a) prescribing the manner of applying, and the procedure for considering an application, for a retail supplier licence or an amendment to a retail supplier licence;
- (b) prescribing fees relating to any matter provided for in this Act or the regulations;
- (c) prescribing the terms and conditions of a retail supplier licence;

- (d) respecting the amendment, suspension, reinstatement or cancellation of a retail supplier licence;
- (e) respecting the transfer or assignment of a retail supplier licence.

38 Regulations made under this Act are regulations within the meaning of the *Regulations Act*.

39 Chapter 25 of the Acts of 2004, the *Electricity Act*, is repealed.

40 Clause 19(j) of Chapter 31 of the Acts of 2015, the *Electricity Plan Implementation (2015) Act*, is amended by striking out “3G” and substituting “22”.

41 Clause 3(1)(va) of Chapter 32 of the Acts of 2015, the *Marine Renewable-energy Act*, as enacted by Chapter 12 of the Acts of 2017, is amended by striking out “4B(1)” and substituting “27(1)”.

- 42 Clause 4A(b) of Chapter 32, as enacted by Chapter 12 of the Acts of 2017, is amended by
- (a) striking out “Section 4B” and substituting “Sections 27 to 29”; and
 - (b) striking out “that Section” and substituting “Section 29”.

43 Clause 26A(b) of Chapter 32 is repealed and the following clause substituted:

- (b) the fees and expenses of the Procurement Administrator must be paid in accordance with subsection 27(6) of the *Electricity Act*.

44 Subsection 89(2) of Schedule B of Chapter 2 of the Acts of 2024, the *More Access to Energy Act*, is amended by striking out “3” and substituting “5”.

45 Section 35B of Chapter 380 of the Revised Statutes, 1989, the *Public Utilities Act*, as enacted by Chapter 31 of the Acts of 2015 and amended by Chapter 2 of the Acts of 2024, is further amended by striking out “4B(13)” and substituting “29(2)”.

46 Section 35D of Chapter 380, as enacted by Chapter 31 of the Acts of 2015 and amended by Chapter 2 of the Acts of 2024, is further amended by striking out “4B(13)” and substituting “29(2)”.

47 (1) Subsections 5(4) and (5) and Section 35 have effect on such day as the Governor in Council orders and declares by proclamation.

- (2) Upon subsections 5(4) and (5) being proclaimed, subsections 5(2) and (3) are repealed.