

# **More Access to Energy Act**

SCHEDULE B OF CHAPTER 2 OF THE ACTS OF 2024

*as amended by*

2025, c. 18, Sch., s. 44; 2026, c. 5, s. 6



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SCHEDULE B OF CHAPTER 2 OF THE ACTS OF 2024  
amended 2025, c. 18, Sch., s. 44; 2026, c. 5, s. 6

**An Act Respecting  
an Independent Energy System Operator**

**NOTE** - *Some provisions of this Act are not yet proclaimed in force. See note following Section 106.*

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(The table of contents is not part of the statute)

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**Short title**

**1** This Act may be cited as the *More Access to Energy Act*. 2024, c. 2, Sch. B, s. 1.

**Purpose**

- 2** The purpose of this Act is to
- (a) increase competition and innovation in the Province’s energy sector;
  - (b) ensure the provision of a safe, secure, reliable and economical energy supply in the Province;
  - (c) ensure a transparent, efficient and coordinated approach to Provincial energy-supply planning;
  - (d) provide for competitive procurement practices for new energy-system resources;
  - (e) support the sustainable development, sustainable prosperity, energy efficiency and greenhouse gas emissions reduction goals of the Province articulated in the *Environmental Goals and Climate Change Reduction Act*; and
  - (f) provide for a phased transition of the system operator from Nova Scotia Power Incorporated to an Independent Energy System Operator.
- 2024, c. 2, Sch. B, s. 2.

**Interpretation**

- 3** In this Act,
- “ancillary services” means services necessary to maintain the reliability of the IESO-controlled grid, including frequency control, voltage control, reactive power and operating reserve services;

“Board of Directors” means the Board of Directors of the IESO;

“bulk electricity system” means a transmission system and all generating facilities that must be registered with the IESO under the market rules, including all related communications, protection and control systems, and as may be further defined by the regulations;

“Chair” means the Chair of the Board of Directors;

“demand-side management” has the same meaning as in the *Public Utilities Act*;

“director” means a member of the Board of Directors;

“Energy Board” means the Nova Scotia Energy Board;

“energy resources” means resources capable of providing 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;

“energy storage” has the same meaning as in the *Electricity Act*;

“hearing” means a public hearing, whether it is conducted electronically, orally or by written submission;

“hybrid peaking resources” refers to electricity resources and non-electricity resources used in combination to satisfy the integrated electricity system demand;

“IESO” means the Nova Scotia Independent Energy System Operator, a body corporate established under this Act;

“IESO-controlled grid” means the transmission systems for which, pursuant to agreements, the IESO has authority to direct operations;

“integrated electricity system” means the IESO-controlled grid and the structures, equipment or other things that connect the IESO-controlled grid with transmission systems and distribution systems in the Province and transmission systems outside the Province;

“licence” means a licence issued under this Act;

“licensee” means the holder of a licence;

“market participant” means a person who is licensed by the Energy Board under this Act and authorized by the IESO to provide or convey, or to cause to be provided or conveyed, electricity or ancillary services into, through or out of the IESO-controlled grid;

“market rules” means the rules made by the IESO under this Act and Section 4 of the *Wholesale Market Rules Regulations* made under the *Electricity Act*;

“Market Rules and Procedures” means the document created and amended by the IESO that sets out all market rules and procedures created under this Act and any other applicable legislation;

“Minister” means the Minister of Energy;

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

“NSPI” means Nova Scotia Power Incorporated;

“prescribed functions” means those functions prescribed by the regulations;

“public utility” has the same meaning as in the *Public Utilities Act*;

“reliability standard” means a standard, rule or requirement approved by the Energy Board and published in accordance with this Act, for the planning, design or operation of the bulk electricity system within the interconnected electricity grid, for the purpose of

(a) providing a continuous supply of power, at acceptable voltage and frequency, in the Province and within the interconnected electricity grid; and

(b) minimizing instability, uncontrolled separation or cascading failures and uncontrolled electricity flows in the Province and within the interconnected electricity grid;

“renewable electricity” has the same meaning as in the *Renewable Electricity Regulations* made under the *Electricity Act*;

“revenue requirements” means the annual amount of revenue required to cover projected operation, maintenance and administrative expenses, amortization expenses, taxes and payments in lieu of taxes, interest and other financing expenses, and a reasonable return on equity;

“security” means a security as defined in the *Companies Act*;

“standard service” means electricity service provided to a wholesale customer connected to the IESO-controlled grid at the charges, rates, tolls and tariffs approved by the Energy Board as applicable;

“sustainable development” has the same meaning as in the *Environment Act*;

“sustainable prosperity” has the same meaning as in the *Environmental Goals and Climate Change Reduction Act*;

“tariff” means a schedule of all charges, rates and tolls, terms and conditions, and classifications, including rules for calculation of tolls, approved by the Energy Board in accordance with this Act;

“transfer order” means an order made under Section 36;

“transmission service” means the movement or transfer of electricity at voltages of 69 kilovolts or more over an interconnected group of lines and associated equipment between points of supply and points at which it is transformed for delivery to a wholesale customer or consumer or is delivered to another electricity system;

“transmission system” means the facilities that are used to provide transmission service, and includes any structures, equipment or other things used for that service;

“transmission tariff” means a tariff approved under Section 79;

“transmitter” means a person who owns or operates a transmission system;

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

“wholesale customer” has the same meaning as in the *Electricity Act*;

“works” means the facilities that are used to provide a transmission service and includes any structures, equipment or other things used for that service;

“written hearing” means a hearing held by exchanging documents, whether in written form or electronically. 2024, c. 2, Sch. B, s. 3; O.I.C. 2024-425.

#### **Act applies**

**4** This Act applies to

(a) utilities who produce, transmit, deliver or furnish electrical energy for the purpose of heat, light and power or steam heat, geothermal resources and geothermal heat;

(b) the Halifax Water district energy project;

(c) the holder of the franchise to supply NSPI with reasonably available, cost-effective demand-side management under the *Public Utilities Act*; and

(d) the holder of the franchise to construct and operate a gas delivery system in the Province under the *Gas Distribution Act*. 2024, c. 2, Sch. B, s. 4.

#### **Act prevails**

**5** Where there is a conflict between this Act and another Act this Act prevails. 2024, c. 2, Sch. B, s. 5.

#### **Transmission tariff prevails**

**6** Where there is a conflict between a transmission tariff and the Market Rules and Procedures, the transmission tariff prevails. 2024, c. 2, Sch. B, s. 6.

### NOVA SCOTIA INDEPENDENT ENERGY SYSTEM OPERATOR

#### **Nova Scotia Independent Energy System Operator**

**7 (1)** The Nova Scotia Independent Energy System Operator is established as a body corporate.

**(2)** The *Companies Act* does not apply to the IESO, except to the extent that the Governor in Council determines.

**(3)** Notwithstanding Section 71 of the *Finance Act*, the IESO is not and may not be designated as a Crown corporation under the *Finance Act* or under any other enactment.

**(4)** The IESO is not an agent of the Crown for any purpose. 2024, c. 2, Sch. B, s. 7.

#### **Head office location**

**8** The head office of the IESO must be situated in the Halifax Regional Municipality. 2024, c. 2, Sch. B, s. 8.

**Objects**

- 9 The objects of the IESO are to
- (a) exercise and perform the powers, duties and functions assigned to the IESO under this Act, the market rules and its licence;
  - (b) enter into agreements with transmitters giving the IESO the authority to direct the operations of their transmission systems;
  - (c) direct the operation of the IESO-controlled grid;
  - (d) establish and enforce criteria and standards relating to the reliability of the integrated electricity system;
  - (e) maintain the adequacy and reliability of the bulk electricity system;
  - (f) procure ancillary services;
  - (g) enter into interconnection agreements with transmitters;
  - (h) work with responsible authorities outside the Province to coordinate the IESO's activities with their activities;
  - (i) participate with any standards authority in the development of standards and criteria relating to the reliability of transmission systems;
  - (j) undertake and coordinate power system planning and development responsibilities to maintain and ensure the adequacy and reliability of the bulk electricity system for present and future needs and for the efficient operation of a competitive market;
  - (k) facilitate the operation of a competitive electricity market;
  - (l) engage in activities related to settlements, payment under a contract entered into under the authority of this Act and payments provided for under this Act, the *Electricity Act* or the *Public Utilities Act*;
  - (m) conduct procurements for energy resources, including
    - (i) electricity supply,
    - (ii) electricity capacity,
    - (iii) energy storage,
    - (iv) ancillary services, and
    - (v) hybrid peaking resources;
  - (n) engage in activities to facilitate the diversification of sources of electricity supply by promoting the use of cleaner energy sources and technologies, including alternative energy sources and renewable energy sources;
  - (o) engage in activities in support of system-wide goals for the amount of electricity to be produced from different energy sources;
  - (p) forecast electricity demand and the adequacy and reliability of electricity resources for the Province for the short, medium and long terms;
  - (q) conduct independent planning for energy resources, demand-side management and transmission;

(r) collect and make public information relating to the short, medium and long term electricity needs of the Province and the adequacy and reliability of the integrated electricity system to meet those needs;

(s) perform any other function or engage in any activity the IESO considers necessary or advisable to exercise its powers and carry out its duties, responsibilities and functions under this Act and the regulations; and

(t) perform any other duties prescribed by the regulations. 2024, c. 2, Sch. B, s. 9.

### Duties of IESO

**10 (1)** In furtherance of the objects of the IESO, the IESO shall

(a) develop terms of reference for and carry out an integrated resource planning exercise as required;

(b) carry out competitive procurements of energy resources consistent with the results of the integrated resource planning exercises referred to in clause (a) and as provided for by the regulations;

(c) issue administrative penalties in accordance with the Market Rules and Procedures; and

(d) carry out transmission interconnection studies and implement transmission connected generation interconnection procedures in a timely manner and in accordance with the regulations to support the purpose of this Act.

(2) The IESO shall carry out procurements of energy resources, subject to any additional or alternative requirements as may be prescribed by the regulations or considered appropriate by the IESO in accordance with the Province's 2030 Clean Power Plan, the purpose of this Act and the objects of the IESO.

(3) Prior to carrying out the integrated resource planning exercise referred to in subsection (1), the IESO shall operate on the basis of the results of the most recent update to the integrated resource plan filed by NSPI with the Utility and Review Board. 2024, c. 2, Sch. B, s. 10.

### Integrated resource planning exercises

**11 (1)** The IESO shall commence its first integrated resource planning exercise within one year following the coming into force of this Section.

(2) Prior to, or as part of, conducting an integrated resource planning exercise and subsequent competitive procurements of energy resources, the IESO shall

(a) work with the holder of the franchise to supply NSPI with reasonably available, cost-effective demand-side management under the *Public Utilities Act* to

(i) develop avoided-cost calculations for demand-side management resources,

(ii) co-operate with the franchise holder in pursuit of its duties under this Act, including its duty to conduct integrated resource planning exercises, and

(iii) co-operate with the franchise holder respecting the integrated resource planning to develop avoided cost calculations for demand-side management resources and undertake reasonable cost-effective demand-side management;

(b) evaluate the range of energy resources capable of meeting the needs of the integrated electricity system, including non-electric energy resources that can work in combination with electric resources to satisfy the integrated electricity system demand;

(c) obtain input from market participants and other interested parties, including such expert consultants as the IESO considers appropriate; and

(d) address such other matters as may be prescribed by the regulations.

(3) The IESO shall file the results of its integrated resource planning exercises with the Energy Board once they are complete. 2024, c. 2, Sch. B, s. 11.

#### **Direct procurement, emissions caps**

**12 (1)** For greater certainty, nothing in this Act precludes the direct procurement of energy resources by the Province under the *Electricity Act*.

(2) For greater certainty, nothing in this Act imposes emissions caps on the IESO, and any existing caps remain the responsibility of each of the other individual market participants as applicable.

(3) Notwithstanding subsection (2), the IESO

(a) shall not require a participant to violate a lawful regulation or emissions cap, except in an emergency circumstance; and

(b) shall plan and operate the bulk electricity system in accordance with emissions regulations and renewable electricity standards. 2024, c. 2, Sch. B, s. 12.

#### **IESO to operate on not-for-profit basis**

**13 (1)** The business and affairs of the IESO must be carried on without the purpose of gain and any revenues must be used by the IESO for the purpose of carrying out its objects.

(2) For greater certainty, no director, officer or employee of the IESO may share in any operating surplus of the IESO. 2024, c. 2, Sch. B, s. 13.

#### **Capacity of natural person**

**14** The IESO has the capacity and the rights, powers and privileges of a natural person for the purpose of carrying out its objects. 2024, c. 2, Sch. B, s. 14.

#### **Management and control of IESO**

**15** The management and control of the affairs of the IESO is vested in a Board of Directors and the Board may, subject to this Act, exercise the powers of the IESO. 2024, c. 2, Sch. B, s. 15.

**Board of Directors**

- 16** (1) The Board of Directors consists of
- (a) not fewer than five nor more than seven directors appointed under subsection (2) or (3); and
  - (b) one non-voting director who is a deputy minister or other public servant appointed by the Governor in Council.

(2) The initial directors referred to in clause (1)(a) shall be appointed by the Governor in Council, hold office for the term, up to a maximum of three years, determined by the Governor in Council and remain in office, notwithstanding the expiry of their term, until reappointed or replaced.

(3) Subject to subsection (2), the directors referred to in clause (1)(a) shall be appointed as provided by the bylaws of the IESO and hold office for a term of five years. 2024, c. 2, Sch. B, s. 16.

**Ineligible to be director**

**17** (1) No member of the House of Assembly or the Executive Council or a person who has been a member of the House of Assembly or the Executive Council within the last three years may be a director.

(2) No employee of a public utility or an affiliate of a public utility may be a director.

(3) No public servant, other than the director appointed under clause 16(1)(b), may be a director. 2024, c. 2, Sch. B, s. 17.

**Chair**

**18** (1) The Governor in Council shall designate one of the initial directors as the Chair of the Board of Directors, to hold such office for the term, not exceeding three years, determined by the Governor in Council.

(2) Subject to subsection (1), the Board of Directors may appoint or, by bylaw, provide for the appointment of one of the directors as its Chair, to hold such office for the term set by the Board or the bylaws. 2024, c. 2, Sch. B, s. 18.

**Virtual attendance**

**19** (1) A director may participate in a meeting of the Board of Directors or of a committee of the Board by means of telephone or other communication facilities that permit all persons participating in the meeting to hear each other if

- (a) the bylaws so provide; or
- (b) subject to the bylaws, all of the directors consent.

(2) A director participating in a meeting in accordance with subsection (1) is deemed to be present at the meeting. 2024, c. 2, Sch. B, s. 19.

**Quorum**

**20** A majority of the directors appointed under Section 16 constitutes a quorum. 2024, c. 2, Sch. B, s. 20.

**Remuneration and reimbursement**

**21 (1)** A director, who is not a public servant, shall be paid such remuneration as the Board of Directors determines.

**(2)** The directors shall be reimbursed for reasonable expenses necessarily incurred in the performance of their duties. 2024, c. 2, Sch. B, s. 21.

**Removal from office**

**22 (1)** The Board of Directors may remove a director from office for cause.

**(2)** A director ceases to hold office under the circumstances specified in the bylaws. 2024, c. 2, Sch. B, s. 22.

**Duties of directors**

**23** Every director shall, in exercising the powers and performing the duties of a director,

- (a) act honestly and in good faith in the best interests of the IESO;
- and
- (b) exercise the care, diligence and skill that a reasonably prudent person would in comparable circumstances. 2024, c. 2, Sch. B, s. 23.

**Conflict of interest**

**24** The directors and officers of the IESO shall comply with the provisions of the bylaws relating to conflict of interest. 2024, c. 2, Sch. B, s. 24.

**Board of Directors may delegate**

**25** Subject to the bylaws, the Board of Directors may delegate any of the IESO's powers, duties or authorities under this Act to any other person or body, subject to such conditions and restrictions as may be specified by the Board. 2024, c. 2, Sch. B, s. 25.

**Bylaws**

**26 (1)** The Board of Directors may make bylaws for the control and management of its affairs.

- (2)** The Board of Directors shall make a bylaw dealing with
- (a) the appointment of the chief executive officer of the IESO;
  - (b) the removal of directors from office by the Board and, for the purpose of subsection 22(2), the circumstances under which a director ceases to hold office;
  - (c) conflict of interest;
  - (d) the delegation of the IESO's powers and duties; and
  - (e) the establishment, composition and functions of a market advisory committee and such other committees as the Board considers advisable. 2024, c. 2, Sch. B, s. 26.

**Purchase of securities, loans**

**27 (1)** The Governor in Council may authorize the Minister of Finance and Treasury Board to purchase securities of or make loans to the IESO at such times and on such terms and conditions as the Minister of Finance and the Treasury Board may determine, subject to the maximum aggregate principal amount and to any other terms and conditions that are approved by the Governor in Council.

**(2)** The Minister of Finance and Treasury Board may pay out of the General Revenue Fund any amount required for the purpose of subsection (1). 2024, c. 2, Sch. B, s. 27.

**Fiscal year**

**28** The fiscal year of the IESO ends on March 31st in each year. 2024, c. 2, Sch. B, s. 28.

**Proposed expenditure and revenue requirements**

**29 (1)** The IESO shall, at least 90 days before the beginning of each fiscal year, submit its proposed expenditure and revenue requirements for the fiscal year and the fees it proposes to charge during the fiscal year to the Energy Board for review.

**(2)** Where the IESO is unable to make its submission under subsection (1) within the time required under that subsection, the IESO shall file its proposed expenditure and revenue requirements for the fiscal year and the fees it proposes to charge during the fiscal year to the Energy Board for review as soon as possible.

**(3)** Until the Energy Board approves the proposed expenditure and revenue requirements for the fiscal year and the fees the IESO proposes to charge during the fiscal year, the fees approved for the previous fiscal year remain in effect unless the Energy Board orders otherwise.

**(4)** The Energy Board may approve the proposed expenditure and revenue requirements and the proposed fees or may refer them back to the IESO for further consideration with the Energy Board's recommendations.

**(5)** The IESO shall not, without the approval of the Energy Board,

(a) establish, eliminate or change any fees it has established; or

(b) eliminate or change any fees established by a predecessor that remain in effect.

**(6)** The Energy Board may hold a hearing before exercising its powers under this Section. 2024, c. 2, Sch. B, s. 29.

**Cost recovery**

**30 (1)** The IESO shall apply to the Energy Board for the recovery of costs for energy resource supply contracts, and any costs incurred by the IESO for the administration of those contracts, respecting settlements or payments under contracts

for energy resources obtained through procurement activities or through reassignments of existing energy supply agreements from NSPI.

(2) The Energy Board shall establish a mechanism to recover the costs referred to in subsection (1) from ratepayers, and the public utilities connected to the IESO grid shall collect these amounts and remit them to the IESO. 2024, c. 2, Sch. B, s. 30.

#### **Auditor**

31 The Board of Directors shall appoint a qualified auditor to audit annually the accounts and transactions of the IESO. 2024, c. 2, Sch. B, s. 31.

#### **Annual report**

32 (1) Within six months after the end of every fiscal year, the IESO shall submit an annual report to the Energy Board on its affairs during that fiscal year and shall provide a copy of the report to the Minister.

(2) The audited financial statements of the IESO must be included in the annual report and the annual report must contain any further particulars the Governor in Council may prescribe by the regulations.

(3) The annual report must be laid before the House of Assembly by the Minister or, where it is not sitting, within 15 sitting days after it next sits.

(4) The IESO shall submit such other reports and information to the Minister as the Minister may require. 2024, c. 2, Sch. B, s. 32.

#### **Minister may require publication of information**

33 The Minister may require that the IESO make public specific information or reports at intervals specified by the Minister. 2024, c. 2, Sch. B, s. 33.

#### **No action lies**

34 (1) No action or other civil proceeding may be commenced against a director, officer, employee or agent of the IESO or any member of any committee established by the IESO for any act done in good faith in the exercise or performance or the intended exercise or performance of a power or duty under this Act, the regulations, the IESO's licence, the IESO's bylaws or the market rules, or for any neglect or default in the exercise or performance in good faith of such a power or duty.

(2) Subsection (1) does not relieve the IESO of any liability to which it would otherwise be subject respecting a cause of action arising from any act, neglect or default referred to in subsection (1). 2024, c. 2, Sch. B, s. 34.

### TRANSFERS

#### **Transfer orders**

35 (1) The Minister may make orders transferring positions or roles, employees subject to a collective agreement, bargaining units, assets, liabilities, rights and obligations of NSPI to the IESO.

(2) A transfer order is binding upon NSPI, the IESO and all other persons.

(3) Subsection (2) applies notwithstanding any public or special Act or any rule of law, including an Act or rule of law that requires notice or registration of transfers.

(4) A transfer order does not require the consent of NSPI, the IESO or any other person or legal entity.

(5) A transfer order that transfers a bargaining unit or a portion of a bargaining unit from NSPI to the IESO is considered a transfer of a business and makes the IESO a transferee for the purpose of Section 31 of the *Trade Union Act*.

(6) The *Regulations Act* does not apply to a transfer order.

(7) A transfer order

(a) may only be made on or before May 1, 2028; and

(b) may not specify an effective date under subsection 43(1) later than May 1, 2028. 2024, c. 2, Sch. B, s. 35; 2026, c. 5, s. 6.

#### **NSPI employees**

**36** (1) The IESO shall make an offer of employment to all employees of NSPI who are not subject to a collective agreement whose position or role has been transferred to the IESO, and such offer must be in accordance with Section 40.

(2) For greater certainty, an employee who has been offered a position or role with the IESO pursuant to subsection (1) may accept or decline the offer of employment. 2024, c. 2, Sch. B, s. 36.

#### **Publication of transfer order effective date**

**37** (1) The Minister shall, within 90 days after a transfer order is made or amended, publish notice of the effective date of the new or amended transfer order in the Royal Gazette.

(2) Notice of the effective date that a transfer order was amended must identify the transfer order that was amended.

(3) Failure to comply with this Section does not affect the validity of a transfer order or an amendment to a transfer order. 2024, c. 2, Sch. B, s. 37.

#### **Contents of transfer order**

**38** A transfer order may describe positions or roles, employees subject to a collective agreement, bargaining units, assets, liabilities, rights and obligations to be transferred

(a) by reference to specific positions or roles, employees subject to a collective agreement, bargaining units, assets, liabilities, rights and obligations;

(b) by reference to any class of positions or roles, employees subject to a collective agreement, bargaining units, assets, liabilities, rights and obligations; or

(c) partly in accordance with clause (a) and partly in accordance with clause (b). 2024, c. 2, Sch. B, s. 38.

#### **Deemed approval respecting transfer or offer**

**39** Where the approval of the Governor in Council or the Utility and Review Board was required under any Act or regulation respecting an asset, liability, right or obligation that is to be transferred by or pursuant to a transfer order under Section 35, or where an offer is made to an employee of NSPI not covered by a collective agreement pursuant to Section 36, the approval is deemed to have been given. 2024, c. 2, Sch. B, s. 39.

#### **Continuity of employment**

**40 (1)** Where a position or role, employee subject to a collective agreement, bargaining unit, asset, liability, right or obligation of NSPI is transferred to the IESO pursuant to a transfer order

(a) the period of employment of an employee of NSPI at the time of the transfer is deemed to have been employment with the IESO and the continuity of employment is not broken; and

(b) the terms and conditions of employment of an employee remain the same.

**(2)** Notwithstanding subsection (1), nothing in this Act limits or prevents the IESO from lawfully making changes to terms and conditions of employment for IESO employees, including lawfully terminating employment of IESO employees.

**(3)** For greater certainty, the transfer of positions or roles, employees subject to a collective agreement or a bargaining unit from NSPI to the IESO pursuant to a transfer order does not constitute a termination, constructive dismissal or layoff of any employee affected by the transfer order. 2024, c. 2, Sch. B, s. 40.

#### **Payment under transfer order**

**41 (1)** A transfer order may require the IESO to pay for anything transferred by or pursuant to the order and may specify to whom the payment must be made.

**(2)** A transfer order may

(a) fix the amount of the payment;

(b) specify a method for determining the amount of the payment; or

(c) provide that the amount of the payment be determined by the Minister of Finance and Treasury Board or a person designated by the Minister of Finance and Treasury Board.

**(3)** A transfer order may require that the payment be made in cash, by set-off, through the issuance of securities or in any other form specified by the order.

(4) Where a transfer order requires that the payment be made through the issuance of securities, it may specify the terms and conditions of the securities or may authorize the Minister of Finance and Treasury Board or a person designated by the Minister of Finance and Treasury Board to specify the terms and conditions.

(5) A transfer order may

(a) fix the value of anything transferred by or pursuant to the order;

(b) specify a method for determining the value of anything transferred by or pursuant to the order; or

(c) provide that the value of anything transferred by or pursuant to the order be determined by the Minister of Finance and Treasury Board or a person designated by the Minister of Finance and Treasury Board.

(6) Where there is a disagreement respecting the amount, form, terms or conditions of a payment required, the Energy Board has jurisdiction to fix the amount, for terms or conditions to ensure they are in the best interests of rate-payers and NSPI. 2024, c. 2, Sch. B, s. 41.

#### **NSPI may recover remaining net book value**

42 No transfer of assets limits NSPI's ability to recover the remaining net book value of an asset or relevant asset pool. 2024, c. 2, Sch. B, s. 42.

#### **Effective date of transfer order**

43 (1) A transfer order may specify the date that a transfer takes effect and any interest in property that is transferred by the order vests in the IESO on that date.

(2) A transfer order may provide that a transfer not take effect until payment has been made for anything transferred by or pursuant to the order.

(3) A transfer order may provide that a transfer is deemed to have taken effect on a date earlier than the date the transfer order is made, but the effective date may not be earlier than the date of the coming into force of this Section.

(4) A transfer order may provide that transfers specified in the order and other transactions associated with the transfers are deemed to have occurred in a sequence and at times specified in the order. 2024, c. 2, Sch. B, s. 43.

#### **Transfer of land**

44 (1) A statement in a registered document to which the IESO is a party that land described in the document was transferred to the IESO from NSPI by or pursuant to a transfer order, and any other statement in the document relating to the transfer order, is conclusive evidence of the facts stated therein.

(2) Subsection (1) does not give the IESO an interest in land that NSPI did not have.

(3) Where a transfer order transfers any land to the IESO, the Minister shall file a copy of the transfer order and any other necessary ancillary documents in the land registration office in the county or counties in which the land is situated.

(4) A document that is otherwise capable of being registered under the *Registry Act* or the *Land Registration Act* and that refers to a transfer order may be registered under the *Registry Act* or the *Land Registration Act*, as the case may be, notwithstanding any provision of those Acts. 2024, c. 2, Sch. B, s. 44.

#### **Form of transfer order**

45 A transfer order may require NSPI or the IESO

(a) to enter into a written agreement or execute an instrument specified in the order; and

(b) to register in accordance with the order any agreement or instrument entered into or executed under clause (a). 2024, c. 2, Sch. B, s. 45.

#### **Contents and effect of transfer order**

46 (1) A transfer order may provide that

(a) a liability or obligation that is transferred by the order may be enforced against NSPI, the IESO or both of them; and

(b) a right that is transferred by the order may be enforced by NSPI, the IESO or both of them.

(2) Subject to subsection (1), the transfer of a liability or an obligation under Sections 35 to 54 releases NSPI from the liability or obligation. 2024, c. 2, Sch. B, s. 46.

#### **Ongoing action or proceeding**

47 Subject to Section 48, any action or other proceeding that was commenced by or against NSPI before a transfer order takes effect and that relates to an officer, employee, bargaining unit, asset, liability, right or obligation that is transferred by the order must be continued by or against the IESO. 2024, c. 2, Sch. B, s. 47.

#### **No action if time expired**

48 An action or other proceeding may not be commenced against the IESO respecting an officer, employee, bargaining unit, asset, liability, right or obligation that has been transferred to the IESO if, had there been no transfer, the time for commencing the action or other proceeding would have expired. 2024, c. 2, Sch. B, s. 48.

#### **Transfer not a breach or repudiation**

49 (1) A transfer by or pursuant to a transfer order

(a) does not constitute

(i) a breach, termination, repudiation or frustration of any contract, including a contract of employment or insurance or a collective agreement,

- (ii) a breach of any Act, regulation or municipal bylaw, or
- (iii) an event of default or *force majeure*;
- (b) does not give rise to a breach, termination, repudiation or frustration of a licence, permit or other right;
- (c) does not give rise to a right to terminate or repudiate a contract, licence, permit or other right; and
- (d) does not give rise to an estoppel.

(2) Subsection (1) does not apply to contracts or classes of contracts prescribed by the regulations. 2024, c. 2, Sch. B, s. 49.

#### **No new cause of action**

**50** Subject to subsection 49(2), nothing in this Act and nothing done by or pursuant to a transfer order creates a new cause of action in favour of

- (a) a holder of a debt instrument that was issued by NSPI before the coming into force of this Section; or
- (b) a party to a contract with NSPI that was entered into before the coming into force of this Section. 2024, c. 2, Sch. B, s. 50.

#### **Transfer order may impose conditions**

**51** A transfer order may impose conditions on the exercise of powers by the IESO that are related to positions or roles, employees, bargaining units, assets, liabilities, rights or obligations transferred by the transfer order. 2024, c. 2, Sch. B, s. 51.

#### **NSPI to provide records and information**

**52 (1)** NSPI shall provide the Minister and the IESO with records or copies of records and other information that is in its custody or control and that relates to a position or role, employee, bargaining unit, asset, liability, right or obligation that is transferred by or pursuant to a transfer order, including personal information.

(2) The provision of records and information by NSPI under subsection (1) does not create a cause of action and does not constitute a breach of any Act. 2024, c. 2, Sch. B, s. 52.

#### **Additional provisions in transfer order**

**53** A transfer order may contain provisions dealing with other matters not specifically referred to in Sections 35 to 52 that the Minister considers necessary or advisable in connection with a transfer. 2024, c. 2, Sch. B, s. 53.

#### **Minister may amend transfer order**

**54 (1)** The Minister may, at any time within 24 months after making a transfer order, make a further order amending the transfer order in any way that the Minister considers necessary or advisable.

(2) An amendment to a transfer order may not be made after four years after the date on which this Section comes into force.

(3) Subject to subsection (2), Sections 35 to 53 apply with necessary modifications to an amendment as if it were a transfer order. 2024, c. 2, Sch. B, s. 54.

#### **Acts do not apply to transfer orders**

55 The *Halifax Regional Municipality Charter*, the *Municipal Government Act*, the *Sale of Goods Act*, the *Sales Tax Act*, the *Nova Scotia HST Regulations, 2010* (Canada) and such other Acts as are prescribed by the regulations do not apply to a transfer of positions or roles, officers, employees, bargaining units, assets, liabilities, rights or obligations by or pursuant to a transfer order. 2024, c. 2, Sch. B, s. 55.

### OBLIGATIONS OF NSPI

#### **Best efforts to continue and co-operate**

56 (1) During the transition of functions from NSPI to the IESO in accordance with this Act, NSPI shall make its best efforts to continue to carry out all such functions in the normal course so as to ensure minimum disruption to NSPI's system operations, system planning and energy resource procurement prior to and during the transition, including interconnection studies and procedures and related activities.

(2) NSPI shall make its best efforts and co-operate fully with the energy modernization transition team established under Section 86 and with the IESO in order to ensure a seamless and timely transition of those positions and roles, assets, liabilities, rights and obligations transferred or to be transferred in accordance with this Act. 2024, c. 2, Sch. B, s. 56.

#### **Provide information and data**

57 (1) NSPI shall, in addition to its duties as a transmitter under this Act, provide the IESO in a timely manner with all relevant information and data in its possession or control, including the information and data specified by the regulations, in the format requested by the IESO, necessary to carry out the IESO's objectives and functions under this Act, including integrated resource planning exercises under Section 10.

(2) Where the IESO believes that NSPI has failed to provide the information requested under subsection (1), the IESO may apply to the Energy Board for a determination of what information NSPI is required to provide and the time period within which it must be provided. 2024, c. 2, Sch. B, s. 57.

#### **Timely studies and procedures**

58 NSPI shall carry out and implement non-transmission service level interconnection studies and procedures respectively in a timely manner and in accordance with the regulations in order to support the purpose of this Act. 2024, c. 2, Sch. B, s. 58.

#### **Agreement for ancillary services**

59 (1) NSPI shall enter into an agreement with the IESO for the provision of ancillary services.

(2) The Energy Board may adjudicate any dispute arising out of or relating to the agreement referred to in subsection (1). 2024, c. 2, Sch. B, s. 59.

## ELECTRICITY MARKET RULES

### Market rules

**60** (1) The IESO may make market rules governing

- (a) the IESO-controlled grid; and
- (b) the relationship between the IESO, transmitters and market participants within the context of the operation of the integrated electricity system and respecting the provision of ancillary services and contracts for the supply of electricity.

(2) The IESO shall publish the market rules in the Market Rules and Procedures and ensure this document is available to the public and updated as amendments are made to the market rules.

(3) Without limiting the generality of subsection (1), the market rules may include provisions

- (a) governing the conveying of electricity into, through or out of the IESO-controlled grid, the provision of ancillary services and the operation of facilities connected to the IESO-controlled grid;

- (b) governing the making and publication of the market rules;

- (c) authorizing and governing the giving of directions by the IESO, including

- (i) for the purpose of maintaining the reliability of electricity service or the IESO-controlled grid, directing and requiring persons, within such time as may be specified in the directions, to synchronize, de-synchronize, increase, decrease or maintain electrical output or to take or refrain from taking such other action as may be specified in the directions, and

- (ii) directing and requiring market participants, within such time as may be specified in the directions, to take such action or refrain from taking such action as may be specified in the directions, including action related to a system emergency;

- (d) authorizing and governing the making of orders and decisions by the IESO, including orders and decisions

- (i) imposing administrative penalties on market participants or transmitters,

- (ii) authorizing a market participant to provide or convey, or to cause to be provided or conveyed, electricity or ancillary services into, through or out of the IESO-controlled grid, or

- (iii) terminating, suspending or restricting a person's rights to provide or convey, or to cause to be provided or

conveyed, electricity or ancillary services into, through or out of the IESO-controlled grid;

(e) governing the resolution of certain disputes between a market participant and a transmitter or the IESO;

(f) governing the manner in which compliance with the market rules will be monitored and enforced; and

(g) governing standards and procedures to be observed in emergencies.

(4) A market rule may be general or particular in its application.

(5) The *Regulations Act* does not apply to the market rules or to any directions or orders made under the market rules. 2024, c. 2, Sch. B, s. 60.

### Transition

**61** The market rules in place immediately before the coming into force of Section 60 continue to apply until amended in accordance with this Act. 2024, c. 2, Sch. B, s. 61.

### Publication of and procedures for market rules

**62 (1)** The IESO shall develop the procedures for publication in the Market Rules and Procedures including the timelines and publication of

(a) important notices; and

(b) any changes or requests for amendments to the market rules.

(2) The IESO shall establish procedures and processes for

(a) waivers from;

(b) amendments to;

(c) urgent amendments to; and

(d) other reviews of,

the market rules, in accordance with any criteria set out in this Act and the regulations.

(3) The IESO may grant a waiver from the application of a provision of the market rules and may impose such terms and conditions on the waiver as the IESO considers appropriate and in accordance with this Act and the regulations. 2024, c. 2, Sch. B, s. 62.

### Urgent amendments

**63** The processes and timelines for amendments to the market rules, as set out in the Market Rules and Procedures, do not apply if the IESO files a statement with the Energy Board indicating that, in its opinion, an amendment to the market rules is urgently required for one or more of the following reasons:

(a) to avoid, reduce the risk of or mitigate the effects of conditions that affect the ability of the integrated electricity system to function normally;

- (b) to avoid, reduce the risk of or mitigate the effects of the abuse of market power in relation to the activities of a market participant that is governed by the market rules;
- (c) to implement standards or criteria of a standards authority;
- (d) to avoid, reduce the risk of or mitigate the effects of an unintended adverse effect of a market rule. 2024, c. 2, Sch. B, s. 63.

### **Appeal to Energy Board**

**64 (1)** A person who is subject to an order or decision made by the IESO under the market rules may appeal the order or decision to the Energy Board if the order or decision

- (a) requires the person to pay an administrative penalty in an amount in excess of that prescribed by the regulations;
- (b) denies the person authorization to provide or convey, or to cause to be provided or conveyed, electricity or ancillary services into, through or out of the IESO-controlled grid; or
- (c) terminates, suspends or restricts the person's rights to provide or convey, or to cause to be provided or conveyed, electricity or ancillary services into, through or out of the IESO-controlled grid.

**(2)** A person who is adversely affected by the granting of a waiver by the IESO under Section 62 or a person who, having applied for a waiver, is refused the waiver, whether in whole or in part, or who objects to the terms or conditions of the waiver, may appeal the decision of the IESO to the Energy Board.

**(3)** An appeal may not be commenced under subsection (1) or (2) unless the person appealing has followed the procedures under the market rules relating to the resolution of the dispute.

**(4)** An appeal must be filed within the time period specified by the market rules.

**(5)** An appeal does not stay the operation of an order or decision pending the determination of the appeal unless the Energy Board orders otherwise.

**(6)** In determining whether to stay the operation of an order or decision, the Energy Board shall consider

- (a) the public interest;
- (b) the merits of the appeal;
- (c) the possibility of irreparable harm to any person; and
- (d) the balance of convenience.

**(7)** After considering the appeal, the Energy Board may make any order the Energy Board deems to be appropriate, including an order or decision the IESO could have made or amending the terms and conditions of a licence. 2024, c. 2, Sch. B, s. 64.

**Testimony**

**65** A person appointed under the market rules for the purpose of resolving or attempting to resolve a dispute between a market participant and the IESO or a transmitter, or between a transmitter and the IESO, is not required in any civil proceeding to give testimony respecting information obtained in the course of resolving or attempting to resolve the dispute. 2024, c. 2, Sch. B, s. 65.

**Prohibition**

**66** No person shall provide or convey, or cause to be provided or conveyed, electricity or ancillary services into, through or out of the IESO-controlled grid except in accordance with the market rules. 2024, c. 2, Sch. B, s. 66.

## RELIABILITY STANDARDS

**Energy Board sets**

**67 (1)** Upon application by the IESO, a standards authority or a licence holder subject to a reliability standard, or as directed by the Energy Board, the Energy Board may, subject to and in accordance with the regulations and subject to subsection (2),

- (a) approve a reliability standard, with or without modifications;
- (b) approve modifications to an approved reliability standard;
- (c) refuse to approve a reliability standard or modifications to an approved reliability standard;
- (d) remand a reliability standard or modifications to an approved reliability standard to the IESO for further consideration; or
- (e) retire an approved reliability standard.

**(2)** The Energy Board may not make a decision respecting a reliability standard without having considered

- (a) the potential impact on the reliability of the bulk electricity system;
- (b) the potential cost and benefits;
- (c) the public interest;
- (d) any other factors that the Board considers relevant; and
- (e) any other factor prescribed by the regulations.

**(3)** The *Regulations Act* does not apply to an approved reliability standard. 2024, c. 2, Sch. B, s. 67.

**Application of**

**68 (1)** Subject to the outcome of an appeal under the regulations, an approved reliability standard applies to a person registered under subsection 69(1) or notified under the regulations of a requirement to register, to the extent that the person carries out prescribed functions to which the approved reliability standard applies, and that person shall comply with that standard.

(2) An owner, operator or user of the bulk electricity system who is required to comply with an approved reliability standard may, subject to the regulations, enter into an agreement with a person to transfer the obligation to comply with any requirements of that approved reliability standard to that person if that person is otherwise obligated to comply with those requirements. 2024, c. 2, Sch. B, s. 68.

#### **Bulk electricity system**

69 (1) An owner, operator or user of the bulk electricity system who carries out prescribed functions to which an approved reliability standard applies shall register with the Energy Board in accordance with the regulations.

(2) The Governor in Council shall make regulations regarding registration for the bulk electricity system, notification processes for registration and appeal processes.

(3) The exercise by the Governor in Council of the authority in subsection (2) is a regulation within the meaning of the *Regulations Act*. 2024, c. 2, Sch. B, s. 69.

#### **Powers of Energy Board**

70 (1) The Energy Board is authorized

(a) to monitor and assess compliance with approved reliability standards in accordance with the regulations, including by identifying actual or potential violations of the standards; and

(b) to enforce approved reliability standards in accordance with this Section and the regulations, including by making orders or decisions respecting actual or potential violations.

(2) Notwithstanding any other provision of this Act or any other enactment, the Energy Board, by contract, may authorize a compliance body

(a) to carry out the responsibility referred to in clause (1)(a) or any part of it;

(b) to assist or advise the Energy Board respecting the responsibility referred to in clause (1)(b) or any part of it; and

(c) to carry out or exercise any power, duty, function, responsibility or authority conferred on the Energy Board under this Act or the regulations if the power, duty, function, responsibility or authority has been prescribed by the regulations for the purpose of this subsection.

(3) A compliance body authorized in accordance with clause (2)(a) or (c) to carry out or exercise powers, duties, functions, responsibilities or authorities or an employee or agent of that compliance body has the powers of inquiry provided to it by the Energy Board in accordance with Section 24 of the *Energy and Regulatory Boards Act*. 2024, c. 2, Sch. B, s. 70.

#### **Order for violation of**

71 (1) Where the Energy Board determines a person has violated an approved reliability standard, the Energy Board may, in accordance with the regulations, make an order it deems appropriate.

(2) Where the Energy Board requires the payment of an administrative penalty under subsection (1), the penalty must be remitted to the Minister of Finance and Treasury Board to be paid into the General Revenue Fund.

(3) Any measures required or penalties levied by an order under subsection (1) must bear a reasonable relationship to the seriousness of the violation for which the order is made and must also promote future compliance with the reliability standards.

(4) An order made by the Energy Board under subsection (1) does not require a person to construct new works or alter existing works in order to increase generation or transmission capacity.

(5) In making an order under subsection (1), the Energy Board shall take into consideration any efforts of the person against whom the order is made to remedy the violation in a timely manner and any other factors it considers relevant. 2024, c. 2, Sch. B, s. 71.

#### **Safe, secure supply of electricity paramount**

72 Nothing in Sections 67 to 71 or the regulations relating to those Sections abrogates or derogates from any authority or obligation of the IESO or NSPI under this Act or the approved transmission tariff to ensure the safe, secure, adequate and reliable supply of electricity service within the Province. 2024, c. 2, Sch. B, s. 72.

### TRANSMITTERS

#### **Open and non-discriminatory access**

73 Each transmitter shall provide market participants with open and non-discriminatory access to its transmission system in accordance with the market rules and the transmission tariff. 2024, c. 2, Sch. B, s. 73.

#### **Duties**

74 A transmitter shall

- (a) provide transmission system operating information to the IESO;
- (b) enter into an agreement with the IESO and operate its transmission system under the direction of the IESO;
- (c) assist the IESO respecting the establishment of connection and interconnection standards;
- (d) enter into interconnection or other agreements with the IESO;
- (e) participate in the development of standards and criteria related to the adequacy and reliability of the transmission system; and
- (f) comply with procedures established by the IESO, and directions and orders given by the IESO, to ensure the adequacy and reliability of its transmission system. 2024, c. 2, Sch. B, s. 74.

## TRANSMISSION AND ANCILLARY SERVICES

**Application of Sections 76 to 88**

- 75** Sections 76 to 88 apply to
- (a) all transmitters;
  - (b) the IESO; and
  - (c) the tariffs pertaining to the provision of transmission services and ancillary services. 2024, c. 2, Sch. B, s. 75.

**Transmission tariffs**

**76 (1)** A transmission tariff pertaining to the provision of transmission services must provide for open and non-discriminatory access to transmission services.

**(2)** All tariffs must be just and reasonable and must, under substantially similar circumstances and conditions, be charged equally to all persons on the same basis or at the same rate. 2024, c. 2, Sch. B, s. 76.

**Question of fact**

**77** The Energy Board may determine, as a question of fact, whether transmission or ancillary services under substantially similar circumstances and conditions have been charged equally to all persons on the same basis or at the same rate. 2024, c. 2, Sch. B, s. 77.

**Approval required to charge or change rate or tariff**

**78** Unless approval to do so has been obtained from the Energy Board, neither the IESO nor any transmitter may charge or change any charge, rate or toll or any tariff respecting transmission services or ancillary services. 2024, c. 2, Sch. B, s. 78.

**Application for approval of transmission tariff**

**79 (1)** The IESO shall make application to the Energy Board for approval of a transmission tariff for the provision of transmission services or ancillary services, or both, and the application must include the most recently approved revenue requirement of the transmitter for transmission services.

**(2)** The Energy Board shall, on receipt of an application from the IESO for approval of a transmission tariff or a tariff for ancillary services, or both, proceed in accordance with this Act and the regulations.

**(3)** The Energy Board shall, when considering an application by the IESO respecting an approval of a transmission tariff, base its order or decision respecting the tariff on all of the projected revenue requirements of the IESO and the transmitters for transmission services and the allocation of the revenue requirements between the IESO and the transmitters.

**(4)** The Energy Board shall, when considering an application by the IESO respecting an approval of a tariff for ancillary services, allow in its order or decision for mechanisms to recover the reasonable costs incurred by the IESO in the acquisition and provision of ancillary services, or base its order or decision

respecting the tariff on all of the projected revenues from the sale of ancillary services and all of the projected costs to be incurred by the IESO in the acquisition or provision of ancillary services.

(5) At the conclusion of the hearing, the Energy Board may make any order respecting the tariff it deems appropriate and may set out timelines for the effective date of the tariff. 2024, c. 2, Sch. B, s. 79.

#### **IESO must use prescribed tariff**

80 The IESO may not charge, demand, collect or receive a greater or lesser compensation for transmission services or ancillary services than is prescribed in the tariff approved by the Energy Board. 2024, c. 2, Sch. B, s. 80.

#### **Energy Board review of tariff**

81 (1) The Minister may request the Energy Board to review all or any portion of a tariff approved by the Energy Board respecting the provision of transmission services or ancillary services.

(2) The Energy Board shall, on receipt of a request under subsection (1),

(a) direct the IESO to file an application for confirmation of any portion or all of the tariff; and

(b) give notice to the IESO and all transmitters of the date of the hearing of the application.

(3) At the conclusion of the hearing, the Energy Board may make any order respecting the tariff it deems appropriate and may set out timelines for the effective date of the tariff. 2024, c. 2, Sch. B, s. 81.

#### **Appeal**

82 An appeal of an order of the Energy Board under this Act is governed by Section 36 of the *Energy and Regulatory Boards Act*. 2024, c. 2, Sch. B, s. 82.

#### **Transition**

83 On the coming into force of this Section, the IESO shall, with respect to transmission and ancillary services, administer and apply the transmission tariff that was in effect immediately before the coming into force of this Section, until the tariff is changed in accordance with this Act, and any approval given by the Utility and Review Board respecting the tariff before the coming into force of this Section is deemed to have been given with respect to the IESO and NSPI. 2024, c. 2, Sch. B, s. 83.

#### **Assumption of prudence and necessity**

84 For the purpose of the first hearing before the Energy Board under Sections 76 to 85, the assets transferred by transfer order or otherwise attributable by virtue of a transfer order, or assets otherwise acquired by the IESO on or before the coming into force of this Section, are deemed to have been prudently acquired and useful for the operation of a transmission system or the provision of services of the

IESO, and any expenditures arising from transmission service contracts or ancillary services contracts entered into on or before the coming into force of this Section are deemed to be necessary for the provision of the service. 2024, c. 2, Sch. B, s. 84.

#### Assessment of expenses

**85** For the purpose of assessment of the Energy Board's expenses, the Energy Board may not assess any expenses against the IESO until the IESO applies for an initial revenue requirement, and those expenses are deemed an appropriate expense of the IESO collectible through its rate, tolls or charges. 2024, c. 2, Sch. B, s. 85.

#### Energy modernization transition team

**86** An energy modernization transition team is established. 2024, c. 2, Sch. B, s. 86.

#### Objects of team

**87** The objects of the energy modernization transition team are

(a) to ensure an orderly transition in the creation and implementation of the IESO and the transfer of positions or roles, employees, bargaining units, assets, obligations and liabilities to the IESO necessary to fulfill its objects and functions;

(b) to ensure that the creation and transition to the IESO does not negatively impact the timely development of energy resources necessary to support the integrated electricity system and achieve the objects of this Act, the *Electricity Act* and the *Environmental Goals and Climate Change Reduction Act*; and

(c) to facilitate an orderly expansion of the competitive market for energy in the Province. 2024, c. 2, Sch. B, s. 87.

#### Chair and members of team

**88 (1)** The energy modernization transition team is chaired by the Deputy Minister of Energy or the Deputy Minister's designate.

**(2)** The energy modernization transition team consists of such number of members determined by the Deputy Minister of Energy, or the Deputy Minister's designate, but may not have more than seven members inclusive of the chair. 2024, c. 2, Sch. B, s. 88; O.I.C. 2024-425.

### PURCHASE AND SUPPLY OF ELECTRICITY

#### Standard service provider

**89 (1)** NSPI is designated as the standard service supplier for the Province and no other person may provide standard service.

**(2)** For greater certainty, notwithstanding subsection (1), wholesale customers may purchase electricity from any competitive supplier as provided for in Section 5 of the *Electricity Act*. 2024, c. 2, Sch. B, s. 89; 2025, c. 18, Sch., s. 44.

**Wholesale customers**

**90 (1)** Subject to this Act, the standard service supplier shall provide standard service to all wholesale customers connected to the IESO-controlled grid.

**(2)** Where a wholesale customer decreases its consumption of standard service as a result of purchasing electricity from another supplier,

**(a)** it may not in the ordinary course, request a return to standard service to be effective before three years after the date on which the decrease became effective; and

**(b)** it must provide at least 60 days notice to the standard service provider.

**(3)** The standard service supplier, with respect to a request referred to in subsection (2), shall treat a request for standard service to the wholesale customer in the same manner as all requests for service received by the standard service supplier under the applicable rate schedule.

**(4)** A dispute over the applicable rate schedule for standard service under subsection (3) may be referred to the Energy Board by either the customer or the standard service supplier, to be adjudicated in a timely manner by the Energy Board. 2024, c. 2, Sch. B, s. 90.

**Return to standard service**

**91 (1)** Where a wholesale customer requests a return to standard service to be effective before one year after the date on which the customer decreased its consumption of standard service, the standard service supplier shall use its best efforts to provide standard service and such service must be provided at the applicable rate schedule for such customer or on such other terms as the customer and the standard service supplier agree.

**(2)** A dispute over the applicable rate schedule or terms that apply for standard service under subsection (1) may be referred to the Energy Board by either the customer or the standard service supplier, to be adjudicated in a timely manner by the Energy Board. 2024, c. 2, Sch. B, s. 91.

**Back-up/top-up service**

**92 (1)** The standard service supplier shall maintain a back-up/top-up service tariff and a non-dispatchable supplier spill tariff that is available to wholesale customers and their suppliers to support customers who purchase electricity from another supplier pursuant to subsection 89(2).

**(2)** Service under the tariffs referred to in subsection (1) may be taken independently, and there is no requirement for the purchase and sale of equivalent amounts of electricity under such tariffs. 2024, c. 2, Sch. B, s. 92.

**Notice for decrease of consumption**

**93** A wholesale customer shall notify the standard service supplier at least 11 months before it decreases its consumption of standard service as a result of purchasing electricity from another supplier. 2024, c. 2, Sch. B, s. 93.

## LICENCES

**Prohibited activities without a licence**

- 94** No person shall, unless licensed to do so,
- (a) own or operate a transmission system;
  - (b) direct the operation of transmission systems in the Province;
  - (c) provide or convey, or cause to be provided or conveyed, electricity or ancillary services into, through or out of the IESO-controlled grid; or
  - (d) engage in an electricity-related activity prescribed by the regulations. 2024, c. 2, Sch. B, s. 94.

**Energy Board may order**

- 95** (1) The Energy Board may order a person who, without a licence, has engaged in or is about to engage in an activity described in Section 94
- (a) to not engage in the activity;
  - (b) to cease operating; or
  - (c) to disconnect the person's apparatus.

(2) The Energy Board shall give written notice to a person against whom it intends to make an order under subsection (1).

(3) The notice must set out the reasons for the proposed order and advise the person that, within 15 days after the day that notice was given, the person may request the Energy Board to hold a hearing.

(4) Where no request for a hearing is made within the time permitted by subsection (3), the Energy Board may make an order. 2024, c. 2, Sch. B, s. 95.

**Interim licence**

**96** (1) Notwithstanding any other provision of this Act or any other enactment, the Energy Board may issue an interim licence authorizing a person to undertake any of the activities described in Section 94 if the Energy Board considers doing so necessary to ensure the reliable supply of electricity.

(2) A licence issued under subsection (1) expires three months after it has been issued unless the Energy Board orders that it be extended. 2024, c. 2, Sch. B, s. 96.

**Licence applications**

**97** (1) A person may apply to the Energy Board for the issuance, amendment or renewal of a licence authorizing one or more of the activities referred to in Section 94 and shall pay such application fee as is determined by the Energy Board under subsection (2).

(2) The Energy Board may provide for different classes of licences and may, for an application for the issuance, amendment or renewal of a licence, charge a reasonable fee for the application, which fee may vary for different classes of licences.

(3) Notwithstanding any other Act, the fees charged by the Energy Board under this Section may be retained by the Energy Board for its use.

(4) The Energy Board may establish forms for licence applications and require their use. 2024, c. 2, Sch. B, s. 97.

#### **Conditions on licence**

**98** The Energy Board, when issuing, amending or renewing a licence, may specify the conditions under which a person may engage in an activity described in Section 94 and may specify any other conditions as the Energy Board considers appropriate, having regard to the purpose of this Act, including different terms for different classes of licences and abuse of market power. 2024, c. 2, Sch. B, s. 98.

#### **Amendment of licence**

**99** The Energy Board may, on the application of any person or on its own initiative, amend a licence if it considers the amendment

(a) to be in the public interest, having regard to the purpose of this Act; or

(b) necessary to address abuse or potential abuse of market power. 2024, c. 2, Sch. B, s. 99.

#### **Licences available for public inspection**

**100** The Energy Board shall make all licences available for public inspection at its office during normal business hours. 2024, c. 2, Sch. B, s. 100.

#### **Compliance order procedure**

**101 (1)** Where the Energy Board is satisfied that a licensee is contravening, or is likely to contravene a licence, the Energy Board may make an order for compliance.

(2) The Energy Board shall give written notice to the licensee that it intends to make an order under subsection (1).

(3) Notice under subsection (2) must set out the reasons for the proposed order and advise the licensee that, within 15 days after the day that notice was given, the licensee may request the Energy Board to hold a hearing.

(4) Where the licensee requests a hearing, the Energy Board shall hold a hearing.

(5) Where no request for a hearing is made within the time permitted by subsection (3), the Energy Board may make an order, which order may include an administrative penalty. 2024, c. 2, Sch. B, s. 101.

#### **Revocation or suspension of licence**

**102 (1)** The Energy Board may suspend or revoke a licence if, in the opinion of the Energy Board, the licensee

(a) is in contravention of this Act or the regulations;

(b) is in breach of any condition of the licence or of an order or direction of the Energy Board;

(c) is no longer in a position to operate in conformity with this Act and the conditions of the licence;

(d) has been negligent in carrying on the activity authorized by the licence;

(e) has made fraudulent misrepresentations in carrying on its business; or

(f) has abused its market power.

(2) Where the Energy Board proposes to revoke or suspend a licence under subsection (1), it shall serve notice on the licensee of the proposed action, inviting the licensee to show cause why the licence should not be revoked or suspended.

(3) Notice under subsection (2) must advise the licensee that, within 30 days after the day that notice was given, the licensee may request the Energy Board to hold a hearing.

(4) Where no request for a hearing is made within the time permitted by subsection (3), the Energy Board may carry out the proposed action stated in the notice under subsection (2) and in accordance with Section 52E of the *Public Utilities Act*.

(5) Where a hearing is held, the Energy Board shall decide whether to revoke or suspend the licence.

(6) Where the Energy Board decides not to revoke or suspend the licence, the Energy Board may make an amendment to the licence it considers proper, having regard to the purpose of this Act. 2024, c. 2, Sch. B, s. 102.

#### **Cancellation of licence on request**

**103** Notwithstanding Section 102, the Energy Board may cancel a licence on the request in writing of the licensee. 2024, c. 2, Sch. B, s. 103.

#### **Transfer or assignment of licence**

**104** No licence issued by the Energy Board is transferable or assignable by a licensee without the prior written approval of the Energy Board. 2024, c. 2, Sch. B, s. 104.

### GENERAL

#### **Regulations**

- 105** (1) The Governor in Council may make regulations
- (a) prescribing the functions, activities and duties of the IESO;
  - (b) exempting any transfer of positions or roles, employees, bargaining units, assets, liabilities, rights or obligations pursuant to a transfer order under this Act from any other Acts or parts thereof;

- (c) prescribing additional or alternative requirements for the IESO to operate on the basis of prior to carrying out the integrated resource planning referred to in clause 10(1)(a);
- (d) prescribing any matter to be addressed as part of competitive procurements of energy resources under clause 10(1)(b);
- (e) respecting integrated resource planning activities and procurement of energy resources;
- (f) prescribing matters respecting the carrying out of transmission interconnection studies and the implementation of transmission connected generation interconnection procedures;
- (g) prescribing eligibility criteria for a Board of Director position;
- (h) prescribing particulars to be included in the annual report of the IESO;
- (i) prescribing matters respecting the carrying out of non-transmission service level interconnection studies and procedures;
- (j) prescribing information and data for the purpose of subsection 57(1);
- (k) respecting reliability standards, including
  - (i) the filing of reliability standards and other related materials and information with the Energy Board,
  - (ii) the approval of reliability standards and the applicability, publication, modification and retirement of approved reliability standards, and
  - (iii) prescribing functions for the purpose of approved reliability standards;
- (l) prescribing procedures and processes of market rules, including terms and conditions of waivers;
- (m) prescribing administrative penalty amounts, including a maximum amount to be imposed;
- (n) respecting the registration of a bulk electricity system;
- (o) respecting compliance and enforcement of reliability standards, including orders to be issued by the Board for violations of the standards;
- (p) respecting applications for approval of transmission tariffs;
- (q) respecting electricity-related activities;
- (r) prescribing prohibited activities for the purpose of Section 94;
- (s) prescribing anything that, by this Act, is to be prescribed or is to be determined or regulated by the regulations;
- (t) defining any word or expression used but not defined in this Act;

(u) 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 this Section is regulation within the meaning of the *Regulations Act*. 2024, c. 2, Sch. B, s. 105.

**Effective date**

**106** 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. B, s. 106.

Proclaimed (except ss. 9(b)-(e), 75-85 and 94-104)	-	October 24, 2024
In force	-	October 24, 2024
ss. 9(b)-(e), 75-85 and 94-104	-	not proclaimed

