



**Nova Scotia Utility and Review Board  
Statement of Mandate  
2013-2014**

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## A. MESSAGE FROM THE CHAIR

On behalf of the Board I am pleased to present the Nova Scotia Utility and Review Board's Statement of Mandate for the fiscal year ending March 31, 2014. While the Board is facing significant challenges in the year ahead, the direction set out in the recently updated Strategic Plan<sup>1</sup> continues to be relevant and is the basis for this Statement of Mandate. While a number of detailed objectives and initiatives have been developed in the Strategic Plan, this planning document is intended to show the few critical priorities or activities we will focus on in the coming fiscal year. Of particular note are:

- Simplify and rationalize our processes and reduce costs without jeopardizing natural justice and public access.
- Continue to increase public understanding of the Board and improve access to Board services.
- Continue to assess current and emerging trends, events, and best practices that may impact the Board and our stakeholders.
- Continue to develop the knowledge, skills and abilities necessary to respond to the complex matters before the Board.

As always, the Board is mindful of the responsibilities assigned to it by the various statutes and regulations. It takes those responsibilities very seriously recognizing that its decisions can have a significant impact on the lives of Nova Scotians – both broadly on matters such as utility rates, and individually on matters such as property assessment appeals. I believe the activities described in this plan permit the Board to properly discharge its duties.

I would like to thank government and the citizens of Nova Scotia for placing their trust in this Board. We will do our very best to ensure that trust is earned.



Peter W. Gurnham, QC  
Chair  
Nova Scotia Utility and Review Board

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<sup>1</sup> A copy of the summary strategic plan can be found on the Board's web site at [http://www.nsuarb.ca/index.php?option=com\\_content&task=view&id=31&Itemid=37](http://www.nsuarb.ca/index.php?option=com_content&task=view&id=31&Itemid=37)

## **B. BOARD MANDATE**

### **Mission Statement**

Our mission is to fairly and independently resolve matters.

Resolving matters includes:

- a. Providing efficient, cost effective and fair processes (i.e., hearings, appeals, licensing, and compliance);
- b. Developing a collective body of knowledge and expertise;
- c. Producing consistent and well reasoned decisions; and
- d. Appropriately informing public policy.

### **Vision Statement**

Our vision is to be a leading administrative and regulatory tribunal.

We will be widely recognized as a fair, independent and accessible board, making insightful, consistent and well explained decisions, which are provided in a respectful, courteous and timely manner.

### **Mandate**

The Board arguably has the greatest affect on the lives of ordinary Nova Scotians of any quasi-judicial tribunal in the province. The most visible decisions relate to matters involving hundreds of millions of dollars or affecting thousands of ratepayers. However, the larger volume of files relate to less public matters affecting individuals.

The Board's quasi-judicial mandate is set by legislation, and includes the following major functions:

- ▶ General supervision of all public utilities<sup>2</sup>. That includes approving things such as:
  - ▶ initial establishment of utilities;
  - ▶ rates and terms of service;

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<sup>2</sup>

Public utilities are primarily water and electric utilities although wastewater is also included for the Halifax Regional Water Commission.

- ▶ capital expenditures in excess of \$250,000;
  - ▶ resolution of certain types of complaints; and
  - ▶ abandonment of service.
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- ▶ Approval of franchises for distribution of natural gas, monitoring of the approved construction and operation of pipelines and associated facilities, and construction and operation of underground hydrocarbon storage facilities. This may include such things as: establishment of franchises; issuance of permits to construct and licenses to operate; setting of rates; approving terms of supply; and permitting abandonment of service. The Board also approves licenses for natural gas marketers.
  - ▶ Economic regulation of public passenger bus operations<sup>3</sup>.
  - ▶ Hearing appeals from the Nova Scotia Assessment Appeal Tribunal <sup>4</sup> concerning assessed values of property for municipal taxation purposes.
  - ▶ Hearing appeals from decisions of municipal councils and development officers relating to planning matters.
  - ▶ Establishing the value of expropriated land where in dispute.
  - ▶ Hearing appeals from decisions of the Director of Victims' Rights and Services relating to compensation for victims of crime.
  - ▶ Setting the number of representatives and electoral boundaries for municipalities and school boards.
  - ▶ Approving tolls for the Halifax-Dartmouth bridges.
  - ▶ Considering liquor license applications or disciplinary matters when referred by the AGD (Alcohol and Gaming Division<sup>5</sup>).
  - ▶ Hearing appeals from decisions of the AGD, disciplining of gaming licensees, and hearing application for reinstatement of access to casinos for those who voluntarily exclude themselves.
  - ▶ Hearing appeals from decisions of the film classifiers of the AGD relating to film classifications.

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<sup>3</sup> Note that enforcement activities were transferred to the Department of Transportation and Infrastructure renewal during 2011.

<sup>4</sup> Formerly the Regional Assessment Appeal Court.

<sup>5</sup> A Division of Service Nova Scotia and Municipal Relations.

- ▶ Regulation of short line railways.
- ▶ Hearing appeals from orders made by the Fire Marshall and others as the Fire Safety Appeal Board.
- ▶ Determining the maximum amounts of interest and service charges that lenders may charge for payday loans pursuant to the *Consumer Protection Act*.
- ▶ Determining the rates insurance companies operating in the province can charge for automobile insurance. This includes a mandatory review of rates for each company at least every two years.
- ▶ Setting the rates wholesale and retail outlets charge for gasoline and diesel oil products pursuant to the *Petroleum Products Pricing Act*. This includes setting the number and boundaries of pricing zones.

The *Technical Safety Act*, passed in May 2008 but not yet fully proclaimed, may transfer responsibility for certain other appeals during the fiscal year.

The *Inter-city Bus Service Act*, passed in November 2012 but not yet proclaimed, will transfer licensing authority with respect to inter-city bus licences from the Board to the Minister of Transportation and Infrastructure Renewal.

## **C. GOVERNMENT PRIORITIES**

The Province of Nova Scotia has published a statement of policy priorities to guide government efforts in departments, agencies, boards and commissions. The four key priority areas are:

1. Get back to balance and ensure government lives within its means.
2. Make health care better for you and your family.
3. Make life more affordable and break the cycle of poverty.
4. Create good jobs and grow the economy.

While these priorities are not the sole focus of government they do provide an overarching framework to inform the business planning process. Recognizing the Board's unique role imposes certain limits and requirements in law, our focus in this area will be supporting the following priorities:

- a. Properly carrying out our regulatory mandate thus ensuring utilities meet renewable energy and environmental sustainability targets in a cost effective way.

- b. Continuing consultations with external stakeholders and reviewing each of our mandates to determine the most efficient and effective way possible to provide our services.
- c. Continuing to find innovative ways to reduce costs; for example, through technology improvements.

The Board will continue to support the intent of government priorities to the greatest extent possible while respecting its responsibilities under the law.

#### D. PERFORMANCE MEASURE

Quasi-judicial Function					
Outcome	Measure	DATA Base Year	TRENDS	Target 2010-2011	Strategies to Achieve Target
Independently and fairly resolve matters in a timely fashion <sup>6</sup> .	Percentage of hearing decisions issued within target number <sup>7</sup> of writing days from receipt of final submissions.	Base Year 2006-07 94.0%	Trends: 2007-08: 94.9% 2008-09: 95.5% 2009-10: 97.8% 2010-11: 97.4% 2011-12: 96.9%	Maintain 95% or more of decisions released within target number of writing days from receipt of final submissions.	<ul style="list-style-type: none"> <li>- Use of electronic filing, information repository and case management programs to aid in processing.</li> <li>- Continue monitoring of member and staff performance through monthly Board meetings.</li> <li>- Periodic consultation with external parties to seek ways to improve services.</li> </ul>

<sup>6</sup> While timely production of decisions is important the primary emphasis must always be to fairly resolve matters based on the specific facts of each case and relevant law.

<sup>7</sup> Target writing times vary by mandate and type of file. Ordinary matters have a target of 90 days. Planning matters have a statutory limit of 60 days unless extended by the Board at the conclusion of the hearing or necessary for the interests of justice. Some insurance matters have statutory limits of 10, 15, 20, or 60 days. At the Board's discretion timelines for some insurance matters can be extended. Interlocutory matters have a target of 10 working days. Note that these timelines are measured from the date of receipt of final submissions.

## E. BUDGET CONTEXT

Nova Scotia Utility & Review Board			
Program & Service Area	2012 – 2013 Estimate	2012 – 2013 Forecast <sup>8</sup>	2013- 2014 Budget
	(\$thousands)	(\$thousands)	(\$thousands)
Gross expenses:			
Quasi-judicial - budgeted operations	5,633	5,440	5,800
Quasi-judicial - un-budgeted operations <sup>9</sup>		3,303	
Total expenses	5,633	8,743	5,800
Revenues:			
Grant from Province of Nova Scotia	2,038	2,038	1,990
Recoveries from utilities and others	3,595	3,563	3,810
Recoveries - un-budgeted operations <sup>10</sup>		3,306	
Total revenues	5,633	8,907	5,800
Net income (loss)	0	164	0
Restricted and unrestricted surplus <sup>11</sup> - beginning of year	1,409	1,409	1,573
Restricted and unrestricted surplus - end of year	1,409	1,573	1,573
TCA Purchase Requirements	0	0	0
Board funded staff (FTE's)	40	40	40

<sup>8</sup> Figures provided are forecasts. Actual results may differ.

<sup>9</sup> Un-budgeted operations expenses arise from hearing activities that cannot reasonably be forecast in advance. Most of these expenses are recovered from the applicant or appellant, or party requesting the service.

<sup>10</sup> See footnote 7 and 8 above.

<sup>11</sup> Surpluses may be restricted for things such as capital assets in use, working capital requirements, and incomplete projects for which revenues have been received.



## **Appendix A: List of Statutes Containing Board Mandate**

1. Assessment Act, RSNS 1989, c.23 as amended
2. Consumer Protection Act, RSNS 1989, c.92 as amended
3. Education Act, SNS 1995-96, c.1 as amended
4. Electrical Installation & Inspection Act, RSNS.1989, c. 141 as amended
5. Electricity Act, SNS 2004 c. 25 as amended
6. Energy and Mineral Resources Conservation Act, RSNS 1989, c.147 as amended
7. Expropriation Act, RSNS 1989, c.156 (prior to Feb. 1996)
8. Expropriation Act, SNS 1995, c. 19 (post Feb. 1996)
9. Fire Safety Act, SNS 2002, c. 6
10. Gaming Control Act, SNS 1994-95, c.4
11. Gas Distribution Act, RSNS, 1997, c. 4 as amended
12. Halifax-Dartmouth Bridge Commission Act, RSNS 1989, c.192 as amended
13. Halifax Regional Municipality Charter, SNS 2008, c.39
14. Halifax Regional Water Commission Act, Acts of 1963, c. 55 as amended
15. Heritage Property Act, RSNS 1989, c.199
16. Insurance Act, RSNS, 1989, c. 231
17. Liquor Control Act, RSNS 1989, c. 260 as amended
18. Maritime Link Act, SNS 2012, c. 9
19. Motor Carrier Act, RSNS 1989, c.292 as amended
20. Motor Vehicle Transport Act of Canada, 1987 (Federal)
21. Municipal Government Act, SNS 1998, c.18 as amended
22. Nova Scotia Power Finance Corporation Act, RSNS 1989, c.351 as amended
23. Nova Scotia Power Privatization Act, SNS 1992, c.8
24. Petroleum Products Pricing Act, SNS 2005, c. 11
25. Petroleum Resources Removal Permit Act, SNS 1999, c.7 as amended
26. Pipeline Act, SNS 1980, c. 13 as amended
27. Public Utilities Act, RSNS 1989, c.380 as amended
28. Railways Act, SNS 1993, c.11 as amended
29. Revenue Act, SNS 1995-96, c.17 as amended
30. Technical Safety Act, SNS 2008, c. 10<sup>12</sup>
31. Theatres and Amusements Act, RSNS 1989, c. 466 as amended
32. Underground Hydrocarbons Storage Act, SNS 2001, c.37
33. Utility and Review Board Act, SNS 1992 as amended
34. Victims' Rights and Services Act, RSNS 1989, c.14 as amended

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<sup>12</sup> Partially proclaimed in force as of the date of writing of this plan.