



**Nova Scotia Utility and Review Board
Business Plan
2023-2024**

TABLE OF CONTENTS

A. BOARD MANDATE 3
B. PRIORITIES 3
C. BUDGET CONTEXT 7
D. PERFORMANCE MEASURE 8
Appendix A: List of Statutes Containing Board Mandate..... 10

A. BOARD MANDATE

Mandate

The Board has a broad quasi-judicial mandate set by legislation. The mandate can be broken down in two ways:

1. Regulatory – having to do with:
 - a. Approving requests from regulated entities such as public utilities (e.g., water, wastewater, electricity, natural gas), motor carriers, railways, the Halifax-Dartmouth Bridge Commission, payday loan companies, and automobile insurers for things such as rates, capital expenditures, operating permits, and discontinuing or abandoning service;
 - b. Setting the price for gasoline and diesel sold to the public; and,
 - c. Resolving complaints against utilities and motor carriers.
2. Adjudicative – having to do with:
 - a. Appeals from the decisions of others about things such as property value, fire safety, municipal planning, liquor licensing, and movie classifications;
 - b. Setting the value of expropriated land when it cannot be agreed on by the parties involved; and,
 - c. Approving requests for municipalities and the Conseil scolaire acadien provincial such as changing electoral boundaries, dissolutions, amalgamations, and annexations.

The specific powers and duties of the Board vary by statute. A complete list of statutes is included as Appendix A.

B. PRIORITIES

Strategic

The Board's main priority is carrying out the mandates assigned to it by the Legislature. Periodically, the Board will consult with its stakeholders to consider how we can more efficiently and effectively deliver our services. Such discussions informed our 2016 Strategic Plan which has been substantially completed. The direction set out in that Plan, particularly as it relates to vision and values, continues to be relevant and is the basis for this Business Plan.

A major objective of the 2016 Strategic Plan is to improve confidence in the regulatory process. The Board continues to work to achieve this through the following four strategic themes:

1. Continued implementation of the strategic communications and outreach plan to better meet the needs of users of our services.
 - a. Continuing to offer information sessions to community or other interest groups on the Board and its mandates both in person and as webinars, and,
 - b. Continued emphasis on plain language in decisions, documents, and other communications.
2. Heightening the efficiency and effectiveness of the Board by:
 - a. Maintaining a culture of continuous improvement including continued emphasis on operational and service excellence initiatives and continued training at all levels in Lean Sigma techniques;
 - b. Assessing staff roles and internal processes to promote service effectiveness and efficiencies; and
 - c. Continued use of webinars and other technology to promote access and make it easier to participate in hearings and meetings.
3. Fostering a positive and healthy workplace culture that strives to achieve excellence by:
 - a. Enhancing and maintaining internal communication. This includes promoting use of tools like Microsoft Teams;
 - b. Promoting cross-organizational relationship building at all levels to achieve greater understanding and collaboration;
 - c. After completing a test period in fiscal 2022-2023, implementation of a new remote work or hybrid office plan; and,
 - d. Continued development and implementation of a consolidated training plan for all Members and staff.
4. Strengthening the Board's capacity to innovate and adapt to the future by:
 - a. Continually advancing our knowledge about best practices; local, national, and international trends and events; and how they impact matters and sectors within the Board's jurisdiction; and,
 - b. Providing focused training, education and professional development to all members and employees to ensure they have the required skills, knowledge, and understanding to effectively respond to changing regulatory and adjudicative environments.

A copy of the 2016 Strategic Plan, including specific objectives relating to the priorities

above, can be found on the Board's website at: <https://nsuarb.novascotia.ca/about/plans-reports>.

In October 2022 a new strategic planning process was launched. Development of the new plan is expected to be complete by July 2023. The new strategic plan will form the basis for future business plans.

Operational Sustainment

Although the COVID-19 pandemic has not disappeared, the Board, like many other parts of society, has resumed many of its pre-pandemic operations. The processes and technology used to continue operations through the pandemic continue to be available if a return to more stringent COVID protocols becomes necessary. Moreover, these processes and technologies are now being layered over pre-pandemic practices to leverage efficiencies developed during the pandemic. For example, the Board has seamlessly supplemented in-person hearings with virtual appearances of out-of-province expert witnesses resulting in cost savings and efficiencies. The Board anticipates continuing emphasis on this technology into 2023-2024.

Operations - Major Hearings

A number of significant applications are received in any given year. The following are of particular note due to their complexity, public or ratepayer impact, or the significance of Board resources and time required to resolve them:

Municipal Boundaries Review

Municipalities are required to conduct a study every eight years of the number and boundaries of polling districts, their fairness and reasonableness, and the number of councillors. After the study is completed, and before the end of the year in which the study was conducted, the council must apply to the Board to confirm or alter the number and boundaries of polling districts, and the number of councillors¹.

Notice was given to municipalities on December 10, 2021, to begin the review process. Many applications have now been received and processed. This will continue to be a focus of considerable effort, including hearings, to ensure all boundaries are set in time for the next municipal elections.

Regulatory Matters

The Board expects to receive general rate applications by Eastward Energy (formerly Heritage Gas Limited) and Halifax Regional Water Commission which will be heard during the year.

The Board is expected to conduct proceedings on Nova Scotia Power Incorporated's interconnection process as required under section 2C of the

¹ *Municipal Government Act*, S.N.S. 1998, c.18 at section 369.

Electricity Act, and the utility's capital asset classes under section 30(5) of the *Public Utilities Act*.

A review of the wholesale margin included in gasoline and diesel oil prices under the *Petroleum Products Pricing Act* was started on October 13, 2022. A hearing on the matter is scheduled to occur in June 2023. (M10853)

An audit of the Nova Scotia Power Incorporated fuel adjustment mechanism is required every two years under the Plan of Administration. An audit of the 2020 and 2021 years was filed on November 1, 2022, and a proceeding started. Hearings are scheduled to occur in September 2023. (M10416)

An Extra Large Industrial Active Demand Control (ELIADC) tariff was approved in March 2020 for service to Port Hawkesbury Paper LP from Nova Scotia Power Incorporated. The tariff expires on December 31, 2023. An application is expected during the year to review the rate design and amend or confirm its use for January 2024 and future.

Duty to Consult

In July 2017, the Supreme Court of Canada released two important decisions relating to an administrative tribunal's jurisdiction and function with respect to Crown consultation in the context of aboriginal and treaty rights². These decisions clarify the Board's role where its decisions may impact on aboriginal rights, including asserted treaty rights and aboriginal title issues. The Board may be called upon to determine whether sufficient Crown consultation has occurred. A recent Nova Scotia Court of Appeal decision further confirmed the Board's legal obligation³. The Board continues to monitor ongoing case law across Canada.

The Board strives to apply best practices in carrying out its obligation to ensure that adequate consultation has occurred.

One of the Board's objectives will continue to be the implementation of a protocol setting out the process to be followed in such instances. This will continue consultation with various stakeholders with the aim of ensuring the Board's jurisdiction and function is properly discharged and an effective and efficient hearing process is maintained.

Business Continuity

In fiscal 2021-2022 the Board updated its business continuity plan to align it with updated threats identified by the Business Continuity Management Office at Service Nova Scotia and Internal Services. During 2022-2023 the Board successfully exercised the plan during hurricane Fiona with only minor disruptions in services. During 2023-2024 the intent is to continue training and mitigation efforts consistent with that plan to strengthen resiliency.

² See: *Chippewas of Thames First Nation v. Enbridge Pipelines Inc.*, 2017 SCC 41 (CanLII); *Clyde River (Hamlet) v. Petroleum Geo-Services Inc.*, 2017 SCC 40 (CanLII)

³ See: *Nova Scotia (Attorney General) v. Nova Scotia Utility and Review Board*, 2019 NSCA 66

C. BUDGET CONTEXT

Nova Scotia Utility & Review Board			
Program & Service Area	2022 – 2023 Estimate	2022 – 2023 Forecast ⁴	2023- 2024 Budget
	(\$thousands)	(\$thousands)	(\$thousands)
Gross expenses:			
Quasi-judicial - budgeted operations	6,485	6,264	6,706
Quasi-judicial - unbudgeted operations ⁵	0	2,781	0
Total expenses	6,485	9,045	6,706
Revenues:			
Grant from Province of Nova Scotia	2,270	2,214	2,221
Recoveries from utilities and others	4,215	4,421	4,485
Recoveries - unbudgeted operations ⁶	0	2,782	0
Total revenues	6,485	9,417	6,706
Net income (loss)	0	372	0
Restricted and unrestricted surplus ⁷ - beginning of year	2,304	2,304	2,676
Restricted and unrestricted surplus - end of year	2,304	2,676	2,676

⁴ Figures provided are forecasts. Actual results may differ materially.

⁵ Unbudgeted 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.

⁶ Unbudgeted revenues arise from hearing activities that cannot reasonably be forecast in advance. These are the recoveries of the unbudgeted expenses.

⁷ Surpluses may be restricted for things such as capital assets in use, working capital requirements, and incomplete projects for which revenues have been received.

D. PERFORMANCE MEASURE

Quasi-judicial Function					
Outcome	Measure	Data Base Year	Trends	Target 2023-2024	Strategies to Achieve Target
Independently and fairly resolve matters in a timely fashion ⁸ .	Percentage of hearing decisions issued within target number ⁹ of writing days from receipt of final submissions.	Base Year 2006-07 94.0%	Trends: See chart on next page	Maintain 95% or more of decisions released within target number of writing days from receipt of final submissions.	<ul style="list-style-type: none"> - Use of electronic filing, information repository and case management programs to aid in processing. - Continue monitoring of member and staff performance through monthly Board meetings. - Periodic consultation with external parties to seek ways to improve services.

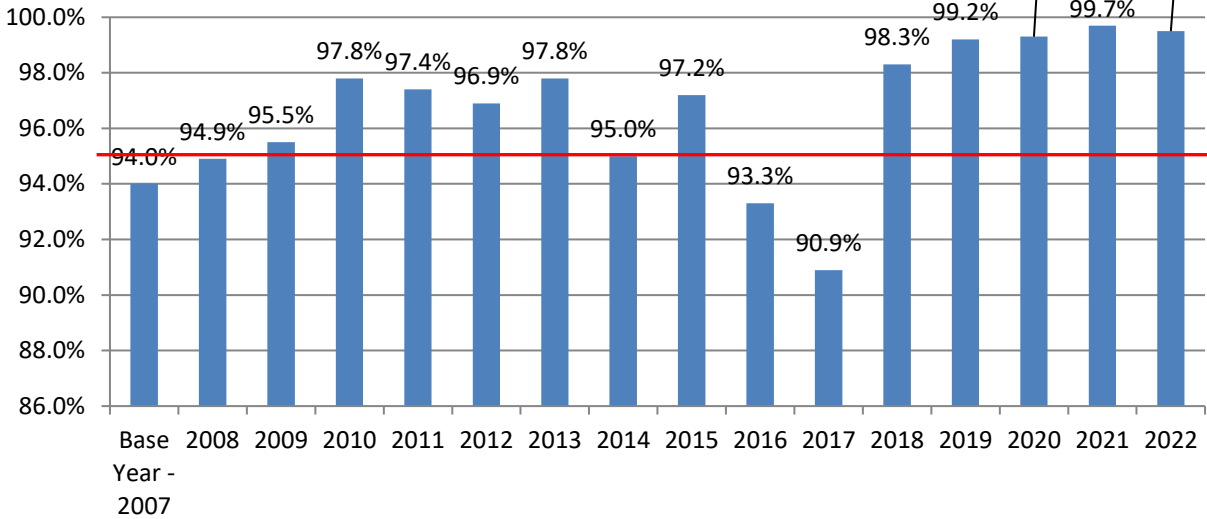
The following chart shows the Board's actual performance in meeting its target of having 95% or more of decisions released within the target writing time.

⁸ 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.

⁹ 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. Routine procedural matters have a target of 10 working days. Note that these timelines are measured from the date of receipt of final submissions.

Decisions Within Target Writing Time

Results by Fiscal Year



[The rest of this page is intentionally blank.]

Appendix A: List of Statutes Containing Board Mandate

1. Assessment Act, RSNS 1989, c.23 as amended
2. Apprenticeship and Trades Qualification Act, SNS 2003, c.1 as amended
3. Consumer Protection Act, RSNS 1989, c.92 as amended
4. Education (CSAP) Act, SNS 1995-96, c.1 as amended
[Loi sur l'éducation (CSAP) 1995-96, ch.1 modifié]
5. Efficiency Nova Scotia Corporation Act, SNS 2009, c.3 as amended
6. Electrical Installation & Inspection Act, RSNS1989, c. 141 as amended
7. Electricity Act, SNS 2004, c. 25 as amended
8. Electricity Efficiency and Conservation Restructuring (2014) Act, SNS 2014, c.5
9. Electricity Plan Implementation (2015) Act, SNS 2015, c.31 as amended
10. Endangered Species Act, SNS 1998, c.11 as amended
11. Energy and Mineral Resources Conservation Act, RSNS 1989, c.147 as amended
12. Expropriation Act, RSNS 1989, c.156 as amended
13. Fire Safety Act, SNS 2002, c. 6
14. Gaming Control Act, SNS 1994-95, c.4 as amended
15. Gas Distribution Act, SNS 1997, c. 4 as amended
16. Halifax-Dartmouth Bridge Commission Act, RSNS 1989, c.192 as amended
17. Halifax Regional Municipality Charter, SNS 2008, c.39 as amended
18. Halifax Regional Water Commission Act, Acts of 2007, c. 55 as amended
19. Heritage Property Act, RSNS 1989, c.199 as amended
20. Insurance Act, RSNS 1989, c. 231 as amended
21. Liquor Control Act, RSNS 1989, c. 260 as amended
22. Marine Renewable-energy Act, SNS 2015, c. 32 as amended
23. Maritime Link Act, SNS 2012, c. 9 as amended
24. Mineral Resources Act, SNS 2016, c. 3 as amended
25. Motor Carrier Act, RSNS 1989, c.292 as amended
26. Motor Vehicle Transport Act of Canada, 1987 as amended (Federal)
27. Municipal Government Act, SNS 1998, c.18 as amended
28. Nova Scotia Power Finance Corporation Act, RSNS 1989, c.351 as amended
29. Nova Scotia Power Privatization Act, SNS 1992, c.8
30. Petroleum Products Pricing Act, SNS 2005, c. 11
31. Petroleum Resources Removal Permit Act, SNS 1999, c.7 as amended
32. Pipeline Act, SNS 1980, c. 13 as amended
33. Public Utilities Act, RSNS 1989, c.380 as amended
34. Railways Act, SNS 1993, c.11 as amended
35. Revenue Act, SNS 1995-96, c.17 as amended
36. Technical Safety Act, SNS 2008, c. 10¹⁰
37. Theatres and Amusements Act, RSNS 1989, c. 466 as amended
38. Underground Hydrocarbons Storage Act, SNS 2001, c.37
39. Utility and Review Board Act, SNS 1992 as amended
40. Victims' Rights and Services Act, RSNS 1989, c.14 as amended

¹⁰ Technical Safety Act was partially proclaimed in force as of the date of writing of this plan.