

ELECTRICITY MANDATE – CONSUMER ADVOCATE

What is a Consumer Advocate?

A Consumer Advocate (“CA”) is a person or organization appointed to represent the interests of anyone who buys power for their own use in a home under the “Domestic Service Tariff” or the “Domestic Service Time-of-Day Tariff”. They are the voice of the ordinary resident in complex utility matters.

Why have a Consumer Advocate?

Electricity matters (cases) can be quite complex, have thousands of pages of information, and require lots of time to participate in. The utility, larger businesses, industrial, and institutional customers can hire experts and commit staff to analyzing information and preparing their cases. Most domestic customers do not have the time or resources to do so. To ensure the domestic customers are fairly represented a CA is appointed and provided with sufficient resources to put them on equal footing and properly make a case.

Can a domestic customer still represent themselves?

Yes. Appointing a CA does not prevent a homeowner from representing themselves in a matter before the Board. Depending on the instructions set out in the Notice of Hearing, there can be various ways to do that including:

1. Sending a letter of comment.
2. Speaking at an open public session.
3. Being an “intervenor” who can receive all documents, participate in setting the list of issues to be decided, submit evidence, and examine evidence submitted by others.

Who appoints the CA?

The *Public Utilities Act* sets out who can appoint a CA. That Act allows the Board to appoint a CA on a case by case basis for electricity matters. The Act also allows the Governor in Council to direct the Board to appoint a CA in a matter if the Board has not already done so. In appointing a CA the Board ensures that they are free from any conflict of interest. For example, if the CA is a law firm they cannot be associated with any of the other parties in the matter.

Is a CA appointed for all matters?

No. There are a large number of routine matters that do not require a CA. The Board typically appoints a CA for any matter where there could be a significant impact on rates or terms for providing electrical service. This typically includes all larger Nova Scotia Power Inc. matters and those that would normally result in a public hearing. A CA must be appointed for general rate applications.

What status and powers does the CA have?

When appointed and requested to participate a CA is granted full rights as a party. This is often referred to as “formal intervenor” status. They are included in all aspects of a matter. The CA operates independently and are free to plan their own work to allow them to best represent the domestic customer. They can hire experts to provide or examine evidence, cross examine witnesses, negotiate settlement agreements, and do anything else any other party can.

Who pays for the CA?

The CA’s time and expenses are paid by the Board. The Board recovers any costs from the utility making the application or through a general assessment against the industry. Recovered costs are included in a utility’s allowable expenses and, while they can be recovered through rates, are small enough in the overall scheme that they do not significantly affect rates.

Who is the current CA?

The CA is currently Mr. John Merrick, Q.C., of the law firm Merrick, Jamieson, Sterns, Washington and Mahody. More information on Mr. Merrick and his firm can be found on the Internet at:

<http://www.mjswm.com/lawyers/john-merrick/>

Need more information?

If you would like more information on the CA please feel free to contact the Board. Our contact information is included in the link at the top of this page.