



Nova Scotia Utility and Review Board
Statement of Mandate
2010-2011

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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, 2011. The direction set out in the Strategic Plan completed in 2008 continues to be relevant and 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.

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 adequately 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

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. That includes approving things such as:
 - ▶ initial establishment of utilities;
 - ▶ rates and terms of service;
 - ▶ capital expenditures in excess of \$25,000;
 - ▶ resolution of certain types of complaints; and

- ▶ abandonment of service.

Traditionally public utilities are thought of as water and electric utilities. That role was expanded in calendar 2007 to include sewer and wastewater systems transferred by Halifax Regional Municipality to the Halifax Regional Water Commission.

- ▶ 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.
- ▶ Safety inspection of all regulated and certain unregulated buses, commercial vans and other vehicles used in public transportation.
- ▶ Economic regulation of public passenger bus operations.
- ▶ Hearing appeals from the Regional Assessment Appeal Court 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 Victim's 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.
- ▶ Granting of permanent liquor licenses, approving transfers, approving alterations in Board imposed licensing conditions, and disciplinary hearings concerning liquor licensees. The regulations also require the Board to approve changes in managers, changes in principal persons for club licensees, temporary extensions of premises, temporary suspensions of licenses, premises renovations and entertainment privileges.
- ▶ Hearing appeals from decisions of the Alcohol and Gaming Authority, disciplining of gaming licencees, and hearing applications for reinstatement of access to casinos for those who voluntarily exclude themselves.

- ▶ Hearing appeals from decisions of the film classifiers of the Alcohol and Gaming Authority relating to film classifications.
- ▶ 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 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.

C. PERFORMANCE MEASURES

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. ¹	Percentage of hearing decisions issued within 90 days of receipt of final submissions.	Base Year 2006-07 96.3%	Trends: 2007-08: 97.6% 2008-09: 94.2%	95% or more of decisions released within 90 days of receipt of final submission.	<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.
	Percentage of planning ² decisions issued within 60 days of receipt of final submissions.	Base Year 2008-09 87.0%	None yet	100% of decisions released within 60 days of receipt of final submission.	
	Percentage of decisions relating to interlocutory matters released within 10 business days of final submission.	Base Year 2006-07 83.7%	Trends: 2007-08: 85.4% 2008-09: 96%	95% or more of interlocutory decisions within 10 business days.	

¹ 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.

² During the previous fiscal year amendments were made to the *Municipal Government Act* requiring decisions to be released on planning matters within 60 days of completion of the hearing.

Motor Carrier Administration					
Outcome	Measure	DATA Base Year	TRENDS	Target 2010-2011	Strategies to Achieve Target
Safe public passenger vehicles. ³	Number of preventable accidents caused by detectable mechanical failure.	Base Year 2006-07: 0	Trends: 2007-08: 0 2008-09: 0	0	<ul style="list-style-type: none"> - Continue existing mechanical inspection program to ensure 100% of licensed vehicle fleet in service is inspected. - Analyze all reported and significant public passenger accidents. - Continue highway spot checks to ensure ongoing compliance with mechanical safety standards. - Review of accident reporting and analysis procedures within the division. Review overall effectiveness of mechanical inspection program in accordance with the Auditor General's recommendations (November 2008)

³

Note: This performance measure is under review by the Division. In his November 2008 report the Auditor General made a number of observations and a recommendation relating to improving processes for identifying, tracking and analyzing public passenger vehicle accidents.

D. BUDGET CONTEXT

Nova Scotia Utility & Review Board			
Program & Service Area	2009 - 2010 Estimate	2009 - 2010 Forecast	2010- 2011 Budget
	(\$thousands)	(\$thousands)	(\$thousands)
Gross expenses:			
Quasi-judicial - budgeted operations	5,472	5,037	5,923
Quasi-judicial - un-budgeted operations ⁴	-	1,644	-
Motor carrier administration and enforcement	1,401	1,722	1,715
Total expenses	6,873	8,403	7,638
Revenues:			
Grant from Province of Nova Scotia	3,852	3,852	4,004
Recoveries from utilities and others	3,021	2,668	3,634
Recoveries - un-budgeted operations ⁵	-	1,886	-
Total revenues	6,873	8,406	7,638
Net income (loss)	-	3	-
Restricted and unrestricted surplus ⁶ - beginning of year	520	520	523
Restricted and unrestricted surplus - end of year	520	523	523
TCA Purchase Requirements	-	-	-
Board funded staff (FTE's)	56	57	59

⁴ 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. The amount in the 2009-2010 forecast column also includes unbudgeted expenses relating to transfer during the year of petroleum products pricing duties to the Board. Those expenses were recovered from government.

⁵ Ditto

⁶ 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. Energy and Mineral Resources Conservation Act, RSNS 1989, c.147 as amended
6. Expropriation Act, RSNS 1989, c.156 (prior to Feb. 1996)
7. Expropriation Act, SNS 1995, c. 19 (post Feb. 1996)
8. Fire Safety Act, SNS 2002, c. 6
9. Gaming Control Act, SNS 1994-95, c.4
10. Gas Distribution Act, RSNS, 1997, c. 4 as amended
11. Halifax-Dartmouth Bridge Commission Act, RSNS 1989, c.192 as amended
12. Halifax Regional Municipality Charter, SNS 2008, c.39
13. Halifax Regional Water Commission Act, Acts of 1963, c. 55 as amended
14. Heritage Property Act, RSNS 1989, c.199
15. Insurance Act, RSNS, 1989, c. 231
16. Liquor Control Act, RSNS 1989, c. 260 as amended
17. Motor Carrier Act, RSNS 1989, c.292 as amended
18. Motor Vehicle Transport Act of Canada, 1987 (Federal)
19. Municipal Government Act, SNS 1998, c.18 as amended
20. Nova Scotia Power Finance Corporation Act, RSNS 1989, c.351 as amended
21. Nova Scotia Power Privatization Act, SNS 1992, c.8
22. Petroleum Products Pricing Act, SNS 2005, c. 11
23. Petroleum Resources Removal Permit Act, SNS 1999, c.7 as amended
24. Pipeline Act, SNS 1980, c. 13 as amended
25. Public Utilities Act, RSNS 1989, c.380 as amended
26. Railways Act, SNS 1993, c.11 as amended
27. Revenue Act, SNS 1995-96, c.17 as amended
28. Technical Safety Act, SNS 2008, c.10⁷
29. Theatres and Amusements Act, RSNS 1989, c. 466 as amended
30. Underground Hydrocarbons Storage Act, SNS 2001, c.37
31. Utility and Review Board Act, SNS 1992 as amended
32. Victims' Rights and Services Act, RSNS 1989, c.14 as amended

⁷ Not proclaimed in force as of the date of writing of this plan.