



Nova Scotia Utility and Review Board

Mailing address

PO Box 1692, Unit "M"
Halifax, Nova Scotia
B3J 3S3
uarb.board@gov.ns.ca
Web www.nsuarb.ca

Office

3rd Floor
1601 Lower Water Street
Halifax, Nova Scotia B3J 3P6
902 424-4448 t
902 424-3919 f

December 23, 2010

By Email & Courier

Mr. Eric Ferguson
Director, Regulatory Affairs
Nova Scotia Power Inc.
14th Floor, Barrington Tower
Halifax, NS B3J 2W5

Dear Mr. Ferguson:

NSPI Orders - 2010 Annually Adjusted Rates (AAR's) -	P-141/M03683
- Optional Generation Load Following (LF) Rate -	P-141-26
- One Part Distribution Voltage Real Time Pricing (1P-RTP) Tariff -	P-141-27
- One Part High Voltage Real Time Pricing (1P-RTP) Tariff -	P-141-28
- One Part Extra High Voltage Real Time Pricing (1P-RTP) Tariff -	P-141-29
- Wholesale Market Non-Dispatchable Supplier Spill (Spill) Tariff -	P-141-30
- Wholesale Market Backup/Top-up Service (BUTU) Tariff -	P-141-31

On November 5, 2010, Nova Scotia Power Incorporated ("NSPI") applied to the Board for approval of a Confidential Undertaking form for Annually Adjusted Rates ("AARs") filings, changes to the Optional Generation Load Following Rate of the Generation Replacement and Load Following Tariff ("GRLF"); changes to the fixed cost adders for the One Part Extra High Voltage Real Time Pricing Tariff; the One Part High Voltage Real Time Pricing Tariff; and the One Part Distribution Voltage Real Time Pricing Tariff; changes to the monthly customer charge for the Wholesale Market Backup/Top-up Service ("BUTU") Tariff; and changes to the monthly customer charge for the Wholesale Market Non-Dispatchable Supplier Spill ("Spill") Tariff. In its application, NSPI stated that there are no customers currently taking service under the 1P-RTP, BUTU, or Spill tariffs.

On November 23, 2010, the Board directed NSPI to refile its application to reflect the adjusted Fuel Adjustment Mechanism Base Cost of Fuel as noted in the Board's Decision 2010 NSUARB 219, and to confirm that customers who take service or are eligible to take service under these tariffs have been notified of the proposed changes to the tariffs and advised that they will have two weeks after NSPI's revised filing to make any reply submissions.

On December 8, 2010 NSPI refiled its revised application for approval of the 2011 AARs and confirmed that redacted copies of the application were provided to all customers currently taking

energy under the GRLF tariff or eligible to take energy under the GRLF tariff in 2011, and that reply submissions were to be filed with the Board within two weeks.

No customer reply submissions were received by the Board.

The Board accepts NSPI's application for changes to the Annually Adjusted Rates and its Confidential Undertaking form, as attached. Enclosed are Orders of the Board dated the 23rd day of December, 2010, approving the above-noted 2011 Annually Adjusted Rates.

Yours truly,

A handwritten signature in cursive script, appearing to read "Nancy McNeil".

Nancy McNeil
Regulatory Affairs Officer/Clerk

Enclosures

c.c. S. Bruce Outhouse, Q.C., Board Counsel
Mr. Mel Whalen, Board Counsel Consultant

By email
By email

NOVA SCOTIA UTILITY AND REVIEW BOARD

IN THE MATTER OF: *The Public Utilities Act*, R.S.N.S. 1989, c.380 as amended

- and -

IN THE MATTER OF: The Application by NSPI for Approval of Annually Adjusted Rates

UNDERTAKING

I, _____, of _____
_____, representing _____
_____,

hereby undertake and agree to abide by all the terms attached in Schedule "A" hereto.

DATED at Halifax, Nova Scotia, this _____ day of _____, 20____.

Signed: _____

Print Name: _____

Schedule "A"

1. NSPI will provide Designated Confidential Information, as defined herein, to the Designated Recipients as defined below.
2. Designated Confidential Information shall consist of the following material, whether printed or electronic: the redacted portion of NSPI's application entitled "GLRF Back-Up Information Confidential Section" and the redacted Fuel-cost Adjustment section of the portion of NSPI's application entitled "Real Time Pricing Back Up Information" and other documents which may be filed and labeled as "Confidential" in this matter and updated from time to time.

Designated Confidential Information shall also include any explanation or other information provided by NSPI to a Designated Recipient concerning the foregoing and which has been identified by NSPI as confidential at the time it is initially provided, whether printed or electronic. Designated Confidential Information shall also include any password or other information necessary to access electronic copies of Designated Confidential Information.

3. Access to Designated Confidential Information shall be restricted to the party who has signed the undertaking to which this schedule is attached, that party's counsel and or consultant who shall each be considered a Designated Recipient.
4. As a condition precedent to receiving Designated Confidential Information, the Designated Recipients shall sign the undertaking to which this schedule is attached.
5. No Designated Confidential Information furnished by NSPI shall be given or communicated to persons other than the Designated Recipients. For greater certainty, no Designated Confidential Information shall be provided to the clients of Designated Recipients, to other Intervenor or to employees, officers or members of Designated Recipients or Intervenor.
6. NSPI may make the Designated Confidential Information (including copies if necessary) available to the Designated Recipients for review at its head office. No documentation shall be removed from NSPI's premises without the consent of NSPI. Designated Recipients may take such notes as may be necessary solely for the purposes of this proceeding. Such notes shall be treated as Designated Confidential Information.

7. Where a reference to Designated Confidential Information is required in pre-filed testimony, briefs, other legal documents or arguments, such reference shall be by citation of title or exhibit number only or by some other non-confidential description which protects the confidentiality of the information. In such circumstances, counsel and other designated persons shall make every reasonable effort to preserve the confidentiality of the information provided by NSPI. It is expected the Board may draw upon all Designated Confidential Information in the record in the deliberation of any decision or order it may issue, but the Board will avoid the reproduction in its decision of any Designated Confidential Information, unless it has otherwise ruled that the Designated Confidential Information is not to remain confidential.
8. Where an Intervenor files testimony which contains Designated Confidential Information, the testimony must be filed on a confidential basis and the Designated Confidential Information must be specifically identified as such. In addition, Designated Parties will not object to the Board sitting *in Camera* to hear such evidence if requested by NSPI.
9. Should any appeal or challenge to any Board's decisions in this proceeding be taken, any portions of the record which have been designated or agreed to be confidential shall be forwarded to the court in accordance with applicable laws and procedures but under seal and designated confidential.
10.
 - a) On an annual basis, each person who has signed a Confidential Undertaking in this matter, shall renew their undertaking by signing a new Confidential Undertaking with NSPI. If a new Confidential Undertaking is not signed upon the expiry of one year from the date of signing this Confidential Undertaking, each person to whom Designated Confidential Information has been provided shall return to NSPI such Designated Confidential Information and shall destroy all documents, notes and other materials containing or reflecting, directly or indirectly, Designated Confidential Information, whether printed or electronic, and shall provide an affidavit of compliance to NSPI respecting same.
 - b) Notwithstanding paragraph 10. a), all members in good standing of the Nova Scotia Barrister's Society ("Counsel") who sign this Undertaking will be relieved from the requirement to destroy Designated Confidential Information. Counsel may maintain possession of all personal documents, notes or other material containing or reflecting Designated Confidential Information that belong to clients of Counsel or to advisors or consultants to

Counsel. Counsel may return all such information and documentation to the client, advisor or consultant once a new Undertaking has been signed by the client, advisor or consultant in any new NSPI regulatory proceeding.

- c) The use of Designated Confidential Information in this proceeding, any rate case, or other proceeding will be solely in relation to regulatory proceedings involving NSPI, before the Nova Scotia Utility and Review Board.