

NOVA SCOTIA UTILITY AND REVIEW BOARD

IN THE MATTER OF: *The Public Utilities Act*

– and –

IN THE MATTER OF: An Application by NOVA SCOTIA POWER INCORPORATED for approval of an Authorization to Overspend in the amount of \$8,201,086 on capital application project CI 50518 – HYD Ruth Falls Main Dam Refurbishment, increasing the Company's request for Board approval of a total project capital cost of \$15,445,508

INFORMATION REQUESTS

To: **Michael Potyok**
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From: The Consumer Advocate

Responses Due: **February 18, 2025**

Copies: 1 electronic copy (PDF searchable)

Contact Person: **David J. Roberts**
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1 **Request IR-1:**

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3 **Reference 1:** Response to NSPI (CA) – 3 (a) states “The original environmental timelines and
4 budget were developed based on internal subject matter expertise using previous refurbishment
5 projects conducted with a similar scope to Ruth Falls, and the environmental regulatory approval
6 process understood at that time.”
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8 **Reference 2:** Midgard Report page 12 lines 1 through 7 describes the Fisheries Act amendment in
9 section 34.4(1) that states “No person shall carry on any work, undertaking or activity, other than
10 fishing, that results in the death of fish.”
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12 **Reference 3:** Bill C-68 – An Act to Amend the Fisheries Act. As passed by the House of Commons
13 at Third Reading on June 20, 2018 which includes the modifications in section 34.4(1) noted in
14 reference 2.
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16 Question:

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18 (a) Given that the amendments to the Fisheries Act had passed third reading in the house of
19 commons by the end of June 2018 and that NSPI filed its ACE plan in November 2018, in
20 Midgard’s view would it have been prudent for NSPI to consult with DFO on the potential
21 implications of the draft legislation on regulatory processes and timelines for projects like
22 the Ruth Falls Dam Refurbishment instead of relying solely on internal subject matter
23 expertise and the regulatory processes understood at that time?
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25 **Request IR-2:**

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27 **Reference 1:** Section 7.3 Economic Interest of Ratepayers
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29 Midgard suggests that the NSUARB should have been afforded the ability as part of this
30 proceeding to evaluate whether or not a decommission option would be in the best interest of
31 NSPI’s ratepayers and expresses concern that the Project remains exposed to several risk areas.
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- 33 (a) What recommendations would Midgard make to the NSUARB to address these concerns,
34 either in the current proceeding and/or for future ATO proceedings?