

Our File: 257361

April 16, 2025

Lisa Wallace
Nova Scotia Energy Board
Box 1692, Unit "M"
Halifax, Nova Scotia B3J 3S3

Dear Ms. Wallace,

RE: M-11938 – EfficiencyOne/ Efficiency Nova Scotia Complaint – Competition – Hynes

We are counsel for Efficiency Nova Scotia (“ENS”). We are writing with respect to the above-noted matter.

On October 23, 2024, we received a letter from you indicating that Mr. Wade Hynes had lodged a complaint with the predecessor Nova Scotia Utility and Review Board concerning ENS. In his complaint, dated October 21, 2024, Mr. Hynes asserted that ENS energy auditors exclude Ecombi ETS, an ETS System Electric Thermal Storage, from their home energy audit evaluations, instead focusing solely on heat pumps. Mr. Hynes alleged that this constitutes “blatant industry favoritism” and unfair market practices:

I run a business called BMR Electric. We install Ecombi ETS, the 21st century ETS System Electric Thermal Storage, a modern 10 year old design . My Customers are reporting back almost 40 % savings on their power bill. In dealing with a lot of my customers I get feedback how EFF N S energy auditors do not include ETS in their evaluation of homes in their energy audit they only talked about heat pumps . This is a blatant industry favoritism excluding all of the ETS Installers of Nova Scotia This unfair market favoritism must be investigated and be updated to include ETS as an option for all Nova Scotians. Ecombi ETS is a very efficient green energy product and this information is being withheld from all Nova Scotians who invest \$200 in this so called energy audit. Myself and Ryan Brewer from CES electric supply have offered many times to train and educate these energy auditors with no interest from EFF N S [...]

[emphasis added]

In his complaint, Mr. Hynes suggested that to resolve the issue, ENS energy auditors should be required to provide comprehensive information on ETS to Nova Scotians who invest in the energy audit. Mr. Hynes claimed they currently lack information on ETS, which is a direct violation of Canada's *Competition Act*.

In your letter, you requested that we respond to Mr. Hynes' complaint directly, and copy the Board on any such correspondence. You noted that the Board would not take any further action unless the parties indicated that no satisfactory resolution had been achieved.

We are writing to advise that we responded to Mr. Hynes' complaint in a letter dated April 16, 2025. We enclose a copy of this correspondence for your review.

We trust that this sufficiently addresses the complaint and effectively closes the matter.

Yours very truly,

A handwritten signature in black ink, appearing to be "J. R. Gogan", written in a cursive style.

James R. Gogan

enclosure

Our File: 257361

April 16, 2025

Wade Hynes
[REDACTED]
[REDACTED]
[REDACTED]

Dear Mr. Hynes,

RE: M-11938 – Response to complaint against EfficiencyOne/ Efficiency Nova Scotia

We are legal counsel for EfficiencyOne ("E1"). We are writing with respect to the above-noted matter.

We understand that on October 21, 2024, you lodged a complaint with the predecessor Nova Scotia Utility and Review Board (the "**UARB**") concerning Efficiency Nova Scotia. In your complaint, you alleged that Efficiency Nova Scotia energy auditors exclude Ecombi ETS, an electric thermal storage ("**ETS**") system, from their home energy assessment ("**HEA**") evaluations, instead focusing solely on heat pumps. You alleged that this constitutes "blatant industry favoritism" and unfair market practices. Further, you suggested that to resolve the issue, Efficiency Nova Scotia energy auditors should be required to provide comprehensive information on ETS to Nova Scotians who invest in the energy audit. You claimed they currently lack information on ETS, which is a direct violation of Canada's *Competition Act*.

We write in response to your complaint.

EfficiencyOne's Mission

EfficiencyOne is an independent, not-for-profit organization, and the franchise holder of Nova Scotia's demand side management utility operations - Efficiency Nova Scotia. E1's mission is to assist people in achieving their energy goals, save money, conserve resources, improve well-being, and combat climate change. Delivering on this mandate E1 collaborates with numerous partners to provide cost-effective energy efficiency and carbon mitigation services throughout Nova Scotia.

In pursuit of this mission, E1 offers a variety of programs and initiatives that promote energy efficiency. One of these, as you identified in your complaint, is the HEA program. Through this program, E1 offers EnerGuide assessments to eligible homes. A Registered Energy Advisor conducts these assessments, spending two to three hours evaluating insulation, air leakage, and mechanical systems. EnerGuide is a national rating system that helps individuals understand their energy usage and identify opportunities for improving efficiency.

Historically, ETS was included as a measure in E1's HEA evaluations. However, this changed in 2020 with the launch of the Canada Greener Homes Grant (the "CGHG") program when HEA was modified to increase alignment with CGHG measures. This was done to reduce customer confusion, achieve program goals more effectively and maximize impacts.

Current incentives for use of ETS

Although ETS is no longer part of the HEA program, E1 still offers rebates and initiatives that involve ETS. For example, ETS for electrically heated homes has been available in the Home Heating Systems Rebates program (formerly referred to as Green Heat) for a number of years (5 or more). The Heating System Rebates Program is currently running a pilot program for ETS systems installed in non-electrically heated homes on or after April 1st, 2024.

Moreover, we would note that E1 provides comprehensive information on its website about ETS, including details on related rebates and initiatives. For example, any user who visits the [Energy Efficient Products](#) page will find a link to a subpage on [Electric Thermal Storage](#). The ETS page also provides access to an [ETS 101 infographic](#), which explains ETS rebates. Additionally, individuals can find information about rebates for Ecombi systems specifically in our [Electric Thermal Storage System Rebate Guide](#).

All of this information is publicly available and can be accessed at any time through the links provided above.

Review by Canadian Competition Bureau

Finally, we would like to take this opportunity to inform you that the Competition Bureau has conducted a preliminary review of the allegations regarding E1's energy auditors' promotional practices. We have been notified that the Competition Bureau will not be furthering any review into this matter.

Please find enclosed for your review the Competition Bureau's correspondence respecting this matter.

E1 appreciates you having brought this matter to its attention. We trust that this response adequately addresses the concerns raised in your complaint.

Yours very truly,



James R. Gogan

c. Crystal Henwood, Clerk of the Nova Scotia Energy Board (crystal.henwood@novascotia.ca)
Gina Thompson, Senior Director, Finance & Regulatory Affairs (gthompson@efficiencyns.ca)

enclosure

From: Newell, Ellen (CB/BC) <ellen.newell@cb-bc.gc.ca>

Sent: Friday, February 14, 2025 1:33 PM

To: Feschuk, Olivia <olivia.feschuk@mcinnescooper.com>; Gogan, James <james.gogan@mcinnescooper.com>

Cc: Chinguirei, Andrei (he, him | il, le) (CB/BC) <andrei.chinguirei@cb-bc.gc.ca>; Goodwin, Clare (she, her | elle, la) (CB/BC) <Clare.Goodwin@cb-bc.gc.ca>

Subject: [EXTERNAL] RE: Status update on complaint made against Efficiency Nova Scotia [IWOV-ACTIVE.FID5148895]

Hello Olivia Feschuk and James Gogan,

Under section 29 of the *Competition Act*, we are unable to share the specific details. However, it may be important for your client to know, that since our discussion in June 2024, the Bureau heard further concerns that some energy auditors may not be providing adequate consumer education on all available types of heating methods. With that being said, we can confirm that, at this time, we are not investigating, nor will we be requesting any additional information from Efficiency One Nova Scotia.

Should we have any questions, we will not hesitate to let you know.

Please feel free to let us know if you have any additional questions.

Kind regards,
Ellen Newell

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